





L A W S  
OF A  
LOCAL NATURE,

PASSED AND PUBLISHED

AT THE TWENTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY

OF THE

STATE OF INDIANA,

HELD AT INDIANAPOLIS ON THE FIRST MONDAY IN DECEMBER, ONE  
THOUSAND EIGHT HUNDRED AND FORTY-THREE.

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By Authority.

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INDIANAPOLIS:  
DOWLING AND COLE, STATE PRINTERS.  
1844.



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CLASSED AND INDEXED

AT THE TWENTY-FOURTH SESSION OF THE GENERAL ASSEMBLY

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INDIANA STATE LIBRARY

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## LOCAL NATURE.

### CHAPTER I.

An Act for the benefit of persons who are likely to suffer by the destruction of the Records of Miami county by fire.

[APPROVED DECEMBER 26, 1843.]

WHEREAS, on the                      day of                      1843, the court house in the county of Miami was burnt, and all the records of the probate and circuit courts, and of the recorder's office destroyed: AND WHEREAS, many persons are likely to become sufferers unless benefitted by legislative aid: Therefore, for the benefit of all persons affected by the destruction of the records aforesaid,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of perpetuating testimony of, or relating to, any judgments, orders, decrees or other proceedings of the probate or circuit courts of the county of Miami, had previous to the destruction of the records thereof, and for the purpose of perpetuating testimony concerning of, or relating to, any patents, deeds, mortgages, bills of sale, wills, inventories, powers of attorney, or other instruments of writing, of record in the books of the recorder of said county and destroyed as aforesaid, M. W. Seely of said county be, and he is hereby appointed a commissioner to receive evidence of and concerning any such judgments, orders, decrees, or other proceedings of said probate and circuit courts, and in relation to any patent, deed, will, bill of sale, mortgage, power of attorney, inventory, or other instrument in writing, by any person who may wish to have such testimony perpetuated.

SEC. 2. The commissioner aforesaid, previous to his entering on the discharge of his duties as such commissioner, shall take an oath before some person duly authorized by law to administer oaths, faithfully and impartially to discharge his duty according to the provisions of

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this act: and the said commissioner, if he deem it necessary, shall have power to appoint a clerk, whose duty it shall be to keep a fair and impartial record of all proceedings had before the said commissioner in the premises, and who shall take an oath in like manner before entering on his duties as such clerk.

SEC. 3. The said commissioner shall, before proceeding to discharge his duty as such, give at least three weeks' notice by publication in a newspaper published in the town of Peru in said county, or in an adjoining county if there be no paper published therein, and by putting up at least one written notice at the place of holding elections in each township of said county of Miami, of the time and place in the said town of Peru he will proceed to perform the duties imposed by this act.

SEC. 4. The said commissioner shall proceed to business in pursuance of the aforesaid notice, and may adjourn from day to day as long as it may be necessary for the performance of his duties; and he is hereby vested with all the authority necessary to carry into effect the intention of this act, to punish contempt during the transaction of business, to administer oaths, issue subpoenas, and compel the attendance of witnesses, under the same penalties that they are compelled to attend where subpoenas issue from the circuit court: and the said commissioner shall receive, as his compensation, the sum of two dollars and fifty cents per day for each day he shall be necessarily employed in attending to his duties as such commissioner, and the clerk, if there be one appointed, shall receive, for his compensation, one dollar and fifty cents per day, which said several sums, together with all the expenses of books, publication of notices, paper, and stationery, shall be paid out of the county treasury; and it is hereby made the duty of the county auditor to audit said expenses and issue his warrant on the county treasurer therefor. The parties concerned in any proceeding before said commissioner, shall pay their own witnesses at the same rate that witnesses are paid for attending the circuit court. It is hereby made the duty of the sheriff of Miami county to serve any process he may be directed in the premises, by the said commissioner; and shall receive therefor the fees allowed by law, to be paid by the party requiring his services: *Provided, however*, this section shall not be so construed as to prevent the service of any such process by the party or parties interested.

SEC. 5. The said commissioner is hereby authorized and required at any time after the notice above contemplated shall have been given, on motion of any person, by himself, herself, themselves, or his, her, or their attorney, on satisfactory evidence being produced that he, she, or they, (as the case may be) had a judgment, order, or decree, either in his own name or as assignee of another person, on record on either the order book or other record of the proceedings of the probate or circuit courts of said county of Miami, which record was destroyed in the manner aforesaid, shall re-enter or

cause to be re-entered by the clerk contemplated by this act, such judgment, order, or decree, in suitable books provided for that purpose, as of the date and for the amount, as near as may be, of the judgments, orders, or decrees, or such parts thereof as may have been unpaid, as were of record in the books thus destroyed; and such judgments, orders and decrees, when so entered, shall continue to possess all the validity and liens, and have all the effect that they would or could have had, if the records thereof had never been destroyed: *Provided, however*, that the judgment debtor or the person or persons to be affected by the re-entry of such judgment, order, or decree, shall have at least ten days' previous notice of such intended motion, by leaving with him, her, or them, or at his, her, or their usual place of abode, a written notice of such intended motion a copy of which notice shall be proven to have been served, or a copy thereof left as above required, and filed before the said commissioner; but if such judgment debtor, or person so to be affected by the re-entry of said judgment, order, or decree be not a resident of this State, notice shall be given thereof six weeks previous thereto, by publication in a newspaper published in said county of Miami, or, if no newspaper should be published in said county, then in some newspaper published most convenient thereto: *Provided further*, that in all cases above contemplated, the commissioner aforesaid, shall ascertain, by competent testimony, and tax up the amount of fees due in such case, and to whom due, and, when so ascertained, taxed up, and re-entered, they shall be collected in the same manner as if the records had never been destroyed.

SEC. 6. If any execution or other process may have issued on any judgment, order, or decree, previous to their being destroyed, and the facts relating thereto, can be proved to the satisfaction of the said commissioner, by any officer, who either issued or acted on the same, or by other competent testimony, and if such process and the return thereon, have been destroyed, the parties, or either of them, shall be permitted to prove the issuing and service of such process, and the return made thereon, and have the same made a matter of record; and the same process shall be issued in favor of the judgment creditor, or complainant, and such proceeding on such judgment, order or decree, that he, she, or they would have been entitled to, had said process and return not been destroyed; and, upon the filing of a certified copy of the record of the proceedings of the said commissioner, in the clerk's office of the circuit court, of said county of Miami, it shall be the duty of the clerk of said court, upon request made by the execution creditor or creditors, complainant or complainants, to issue process thereon in the same manner, and to be governed in all particulars in relation thereto, as in other cases: *Provided*, that if the judgment debtor, or opposite party, in any proceeding before said commissioner, shall deny the existence of any such judgment, order, or decree, so alleged against him, either party may be entitled to a jury of six persons, qualified as other jurors, to determine the fact, and the jury shall bring in their verdict according to the evidence, and shall be paid for their



services by the person at whose instance they are called, at the same rate as is fixed by law for the pay of jurors before justices of the peace: *Provided however*, any person or persons believing himself or themselves aggrieved by such verdict, or by the determination of said commissioner, in any instance, may appeal therefrom to the next term of the Miami circuit court, in the same manner and under such terms and restrictions in every respect as is provided for appeals from the judgments of justices of the peace to the circuit courts, and the decision of said circuit courts shall be final thereon; and in all cases where an appeal is not taken within thirty days after the decision of such commissioner, his proceedings shall be final, and his acts binding on all parties interested therein.

SEC. 7. In all cases where suit has been brought, or may hereafter be brought, in any of the courts of law or equity, in this State, on any judgment, order, or decree, of the Miami circuit court, the record of which has been destroyed, either by action of debt at law, or bill in equity, it shall be lawful for the defendant to deny the fact of such burning by a proper plea, and the same shall be determined by a jury as other pleas are tried; and, if the fact of the destruction of the record be clearly proved, it shall not be necessary to prove the precise amount of the judgment, interest, and costs, the record of which has been destroyed as aforesaid, but the jury shall bring in a verdict for such an amount as shall be proven, including interest and costs.

SEC. 8. If any person shall produce any patent, deed, bill of sale, inventory, power of attorney, or any other instrument of writing, duly executed, with an endorsement of the present or any former recorder of Miami county, that the same had been recorded in the records of the said county, such patent, deed, bill of sale, inventory, power of attorney or other instrument of writing, with all the official endorsements thereon, shall be entered at full length in the books kept for that purpose; and any paper or writing which shall be presented to said commissioner, and proved to be a correct copy of any patent, deed, bill of sale, will, inventory, power of attorney, or other instrument of writing, that has been lost or destroyed, shall be entered on record, at full length, with the testimony relating thereto; and if the witness or witnesses to any such copy of any writing so lost or destroyed, are dead, or cannot be had, the person or persons interested therein may produce other testimony in support of his, her, or their claim; and the testimony so produced, shall be received and recorded as aforesaid; and when so recorded by said commissioner, said deeds, mortgages, and all other instruments in writing shall have as full force and effect in every respect whatever, as though the original record thereof had never been destroyed.

SEC. 9. The record of said commissioner or copies thereof, or of any part thereof, certified by him or his clerk, or by any person duly authorized by law, to give certified copies of such records, shall be read in evidence in any court of record in this State, at any time when circumstances require it.

SEC. 10. All testimony relating to probate business shall be recor-

ded in a book, separate from other testimony authorized by this act to be recorded, and all copies of wills and other papers relative to decedent's estates, whether testate or intestate, shall be recorded in such book; and, at the close of the business of said commissioner, he shall certify such records to be true copies of the testimony produced to him, which shall be deposited with the court of probate; and the balance of his proceedings and records shall be certified in like manner, and deposited with the clerk and recorder of the county respectively, to be kept in their offices for the benefit of all concerned.

SEC. 11. Certified copies of all wills and letters testamentary, and letters of administration shall be admitted to record at full length, together with all authenticated vouchers of settlements of decedents estates, together with all testimony relating thereto, and all executors, administrators, and guardians, whose bonds have been destroyed, are hereby required to file new bonds, with security to be approved by the court, within three months from the time of the taking effect of this act; and until such bond is filed, no such executor, administrator, or guardian, shall be authorized to transact business by virtue of his, her, or their appointment as such; and should no bond be filed before the expiration of three months as above, then such executor, administrator, or guardian shall be considered as if he or she had resigned said appointment, and the court of probate shall proceed to appoint others in the same manner as if a resignation or voluntary refusing to act had been formerly made; and the person last appointed may, in a reasonable time, compel such person so neglecting to comply with the provisions of this act, to settle and account for all money or other articles of value, that has come into their hands as executor, administrator, or guardian: *Provided, however*, If such executors, administrators, or guardians are not residents of this State, or are absent, the court may then give such further time to comply as above, as they shall deem reasonable.

SEC. 12. That should any action hereafter arise as to the title of property acquired either under a judgment, decree, or order of the circuit or probate courts of said county, the records whereof have been destroyed as aforesaid, it shall be taken and presumed by the court trying the same, that all the proceedings thereon were legal, unless the contrary thereof be satisfactorily shown.

SEC. 13. The said commissioner shall proceed as speedily as possible, to discharge the duty imposed on him by the provisions of this act, which shall be completed within one year from the time he takes his oath of office, unless a longer time be absolutely required by the business intrusted to his commission. And in case of death, removal, or resignation of said commissioner, it shall be the duty of the judges of the Miami circuit court, or a majority of them, promptly to fill the vacancy thus occasioned.

SEC. 14. This act shall be considered a public act, and its provisions liberally construed towards effecting its object, and shall take effect and be in force from and after its passage, and the filing of a certified copy thereof in the office of the auditor of Miami county,



and it is hereby made the duty of the Secretary of State to forward such certified copy immediately.

## CHAPTER II.

An Act for the relief of Persis Hubbard, a minor heir of Brigham Hubbard, deceased.

[APPROVED JANUARY 6TH, 1844.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the said Persis Hubbard, to bargain, sell, and convey all the interest she may have, either legal or equitable, in and to the following tracts of land, to-wit: the southwest quarter and the west half of the southeast quarter of section number twelve, in township number twenty-four north, of range number three west of the second principal meridian, and that she may sign, seal, and deliver any assignments or deeds of conveyance, necessary to convey her interest in and to the tracts of land aforesaid; and that said deeds of conveyance, or assignments so made shall be as effectual to pass her interest in and to the same as though she were of the age of twenty one years.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER III.

An Act to authorize Charles Nelson to erect a mill dam across the Wabash river, in Adams county.

[APPROVED JANUARY 6TH, 1844.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Charles Nelson of Adams county be, and he is hereby authorized to construct a dam across the Wabash river on the farm where said Nelson now resides, in Wabash township, Adams county, provided said dam shall not exceed six feet in height.

SEC. 2. The said Charles Nelson shall be entitled to all the benefit of the writ of ad quod damnum, to condemn lands sufficient to construct said dam.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER IV.

An act to vacate a certain alley in the town of Bloomington in Monroe county.

[APPROVED JANUARY 6, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John M. Berry, commissioner of the reserved township of lands in Monroe county, be, and he is hereby authorized to sell, at the minimum price, the land situate in an alley between the lots of David H. Maxwell, on said reserved township, to the said Maxwell, and that upon full payment being made therefor, the commissioner shall make a good and sufficient deed, in fee simple, to the purchaser.

SEC. 2. The said Maxwell shall have the right and power to close said alley immediately upon getting a certificate of purchase from the said commissioner.

SEC. 3. This act to take effect and be in force from and after its publication.

## CHAPTER V.

An Act vacating a certain alley therein named in the town of Delphi.

[APPROVED JANUARY 6, 1844.]

*Be it enacted by the General Assembly of the State of Indiana*, That an alley dividing lots numbers 14 and 15, in the north addition, between Columbia street and the south end of lot number 14, in the town of Delphi, in the county of Carroll, be, and the same is hereby vacated.

## CHAPTER VI.

An Act to authorize Sarah Ann Lockwood, a minor, to unite with her husband, Charles U. Lockwood, in the conveyance of real estate.

[APPROVED DECEMBER 28, 1843.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Sarah Ann Lockwood, formerly Sarah Ann Lyons, of the county of Fayette, under the age of twenty-one years, is hereby



authorized and empowered to unite with her husband, Charles U. Lockwood, in the conveyance of a certain tract of land situated in the county of Franklin, State of Indiana, described as follows: The north west quarter of section number fifteen, (15) township twelve, (12) range twelve (12) east, second principal meridian, containing one hundred and sixty acres, which the said Charles U. Lockwood has sold to George G. Shoup, of the county and State last named.

SEC. 2. That the said Charles U. Lockwood and Sarah Ann, his wife, are hereby empowered to make a general warranty deed for the above described land, to George G. Shoup: *Provided*, they are the proper owners of said land.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER VII.

An Act for the relief of Michael FitzGibbon.

[APPROVED JANUARY 6, 1844.]

WHEREAS, it is represented unto the General Assembly of the State of Indiana, that John Francis Plunket, late of the State of Indiana, died on or about the month of April, in the year of our Lord 1840, seized of the following described tracts of land, situate in the county of Jennings and State of Indiana, to-wit: the north west fourth of the north west quarter of section twenty-six, (26) in township seven (7) north, of range eight east, in the Jeffersonville land district: AND WHEREAS, it is also represented that the said John Francis Plunket died leaving no person in the United States of America of blood relations:

And it is also represented, that the said John Francis Plunket purchased said lands with the intention of furnishing it as a home for Michael FitzGibbon and family, then and now of the county of Jennings, and residing upon said lands: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry T. Arnold of the county of Jennings and State of Indiana, be and is hereby appointed a commissioner, and as such commissioner, is hereby directed to convey, by deed, to Michael FitzGibbon, the lands aforesaid, he, the said Michael FitzGibbon, paying the expenses of such conveyance.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER VIII.

An Act for the relief of George Belshaw.

[APPROVED JANUARY 6, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the right of the State of Indiana to any and all property of which Thomas Eggleston, late of Lake county, deceased, an alien, and illegitimate child of George Belshaw, died seized and possessed, by right of escheat or otherwise, be and the same is hereby released; and that all of said property and rights of property be and the same are hereby vested in the said George Belshaw as fully and completely as if the said Thomas Eggleston had legally made and executed a will and testament at, and immediately before, his death, and he bequeathed the same to said George Belshaw.

SEC. 2. That the administrator of said estate be and he is hereby required to account and pay over to said George Belshaw, all of said estate, and all property in his hands at the passage of this act, after the debts of said Thomas shall have been paid.

SEC. 3. That the said George Belshaw, upon the receipt of said money and property, shall file his bond, with one good surety, in the office of the Clerk of the Probate Court of Lake county, in a penal sum of double the amount of such estate by him received, conditioned that if, hereafter, the mother of said Thomas, or any other person, shall prove a lawful right to said property, he will pay over the same upon demand.

SEC. 4. That the said George Belshaw shall and may institute and maintain and carry on any and all necessary proceedings and suit at law or in equity, to recover and obtain full possession of said estate and property, from any and all persons whatever, as fully and effectually as if he was the lawful heir or legatee of said Thomas Eggleston.

SEC. 5. This act to be in force from and after its being filed in the Clerk's office of Lake county.

## CHAPTER IX.

An Act to change the name of David Barker to the name of David Dobbins.

[APPROVED JANUARY 6, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of David Barker, of Spice Valley township, Lawrence county, shall hereafter be David Dobbins.

SEC. 2. This act to take effect and be in force from and after its passage.



## CHAPTER X.

An Act to incorporate the Trustees of Madison University.

APPROVED JANUARY 4, 1844.

WHEREAS, it has been represented to the General Assembly of the State of Indiana, that various citizens of the said State have associated themselves for the purpose of establishing a literary institution in the City of Madison, or its vicinity, to promote liberal education and learning, having a just relation to, and including instruction in the religion of nature and of the holy Scriptures; and that this laudable object will be promoted by the grant of an act of incorporation to the said institution; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana.* That Samuel Bigger, Isaac Blackford, Charles Dewey, Jeremiah Sullivan, John Matthews, Gilbert MacMaster, Joshua L. Wilson, William Hendricks, Victor King, John Finley Crow, Michael G. Bright, Williamson Dunn, James F. D. Lanier, John Sering, Joseph G. Marshall, Phineas D. Gurley, James Blake, James M. Ray, David Montfort, Edward W. Wright, James G. Read, Erasmus D. MacMaster, and their associates and successors, be, and they are hereby constituted and declared to be a body corporate and politic in law, by the name and style of "The Trustees of Madison University;" and by the said name and style, shall have succession and exist forever. The whole number of members at any one time on the Board of Trustees hereby constituted, shall never be less than fifteen, nor more than twenty-five; *Provided.* that, if at any time, by death, removal, resignation, or otherwise, the members on the said board shall be reduced to a number less than fifteen, any number of said members, not less than nine, shall have power, at any legal meeting, to fill so many of the vacancies so created, as that the whole number of members on the board shall not be less than fifteen. The said Board of Trustees shall hold their first meeting on the fourth day of February, eighteen hundred and forty-four, at one o'clock, P. M., at the building known as "The Jefferson County Seminary," or at such other place in the city of Madison as any seven of the said board shall determine; and any seven of the persons by this act constituted trustees, being so met, shall be a quorum for business at the said first meeting; and the board shall thereafter meet annually, or oftener, at such times and places as they shall, by their own ordinances, appoint. The said board shall, at their first meeting, divide in such manner as they shall think proper, the members thereof into four equal classes, or as near thereto as may be; of which classes, the first shall go out of office on the day preceding the first annual commencement in the University by this act provided to be established; the second, on the day preceding the second annual commencement; the third, on the day preceding

the third annual commencement; and the fourth, on the day preceding the fourth annual commencement; and in the same manner afterward forever: so that one-fourth of the whole number, or as near thereto as may be, shall go out of office annually: *Provided, however,* that the members at the said board shall always continue to hold their offices until their successors shall have been appointed and qualified. Of the vacancies hereafter created at the board in whatever manner, one half shall be filled by the board, and the other half by the "Synod of Indiana," in connexion with the General Assembly of the Presbyterian Church in the United States of America, commonly known and distinguished as "the Old School Presbyterian Church:" *Provided,* that if the said Synod shall at any time decline or neglect to fill the vacancies which they are by this act authorized to fill, the board shall have power to fill the same, until they shall be filled by the Synod. Any trustee not present in person, shall have the right to vote by proxy on any question which shall come before the board.

SEC. 2. The said trustees by this act incorporated, shall have power, at any legal meeting, to elect a President of their own body, a Secretary, a Treasurer, and such other officers as they shall think proper, whose terms of office and duties shall be such as the board shall appoint, and to remove the same; to establish such ordinances and by-laws, not contrary to the constitution and laws of this State, or the constitution and laws of the United States, as they shall think fit, for their own government, and the same to alter, amend, or repeal; to found in the city of Madison, or its vicinity, in the county of Jefferson, an institution for the education of the sons of the citizens of this State, and of other States, of every class and denomination who shall resort to it; which institution shall be known by the name of "Madison University;" to establish in the said University, departments or colleges, for the instruction of the students thereof, in any branch of liberal learning or professional education, and the promotion otherwise of the sciences and arts; to determine the course of studies in all the departments of the said University; to appoint a President, Professors, and other instructors therein, as they shall think proper, and to remove the same; which President and Professors shall be known by the name of "The Faculty of Madison University," and shall have power to conduct the instruction and government of the students of the said University, subject to such ordinances as the trustees thereof may establish; by and with the consent of the trustees, to grant all such degrees in the liberal sciences and arts as are customary in other Colleges or Universities in the United States, and to give diplomas or certificates of the same, subscribed by the President and Professors, and authenticated by the common seal of the University: *Provided,* that no such degree shall be granted to any person who shall not have made such attainments as are usually required as a qualification for the same degree in other Colleges or Universities. The said trustees and their successors shall, moreover, have power to make and use a common seal, and the same to renew or alter at pleasure; they shall be, and are hereby made capable in law by the name and style



of "The Trustees of Madison University," to purchase, receive by donation, possess, sell, lease, or otherwise manage or dispose of any lands, tenements, or other hereditaments, not exceeding at one time in value one hundred thousand dollars; and any moneys, notes, bonds, subscriptions, bills, goods, chattels, devises, or other property of whatsoever kind as they shall think proper for the use of the said University; to contract and be contracted with, to sue and be sued, plead and be impleaded, in any court or courts, before any judge, judges or justices, within this State, or elsewhere, in all manner of suits, complaints, pleas, causes, demands, and matters of whatsoever kind, nature, or form they may be, and every other thing therein to do in as full and effectual a manner as any other body corporate or politic of like nature, within the State, may do.

SEC. 3. This act is hereby declared to be a public act, and shall be construed liberally for every beneficial purpose hereby intended; and no omission to use any of the privileges hereby granted, shall cause a forfeiture of the same; nor shall any gift, grant, conveyance or devise to or for the use of the said University, be defeated or prejudiced on account of any misnomer or informality whatever: *Provided*, that the intention of the parties be shown beyond reasonable doubt.

SEC. 4. The State reserves the right to alter and amend this act at any time by a vote of two-thirds of each house of the General Assembly; *Provided*, that no alteration shall be made which shall change or affect the fundamental principles on which, or the objects for which, the institution hereby provided to be established, is founded.

SEC. 5. This act shall take effect and be in force from and after its passage.

## CHAPTER XI.

An Act incorporating the First Presbyterian Church of Decatur.

[APPROVED JANUARY 6, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Patterson, George Casky and James Nibloch, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of "The Trustees of the First Presbyterian Church of Decatur," and by said corporate name may sue and be sued, plead and be impleaded, in any court in this State; and by that name have perpetual succession, and be capable of purchasing, holding, bargaining and selling any property, either real or personal, for the use of said Church, both by legal and equitable title, not to exceed in value twenty thousand dollars.

SEC. 2. The said trustees and their successors shall be empowered to receive any subscription, gift, grant, donation, and bequest, which shall be applied solely to the use and benefit of such Church in the manner the trustees thereof shall deem most proper and expedient.

SEC. 3. It shall be lawful for the trustees of said Church to hold meetings at such place and at such times, and as often as it may suit them, or as business may require it; sit on their own adjournments on the call of the proper officer, or any one of their body, and to elect and appoint such officers, and establish such rules and by-laws for their government as they, or a majority of them, may see fit: *Provided, however*, that such rules, or by-laws, shall not be incompatible with the constitution of this State or the United States.

SEC. 4. It shall be lawful for the members of the First Presbyterian Church of Decatur, to perpetuate the Board of Trustees hereby appointed, by annual appointment, or in any way they may deem proper; and also, to fill all vacancies which may in any way occur therein. They shall also keep a record of the proceedings, which shall be open to the inspection of all persons concerned.

SEC. 5. This act to take effect and be in force from and after its passage.

## CHAPTER XII.

An Act to incorporate the Richmond Turnpike Company, and for other purposes.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Robert Morrison, Samuel Shute, sen., and Robert Hill, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body corporate and politic, and known by the name and style of the "President and Directors of the Richmond Turnpike Company," shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable at law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the State of Indiana.

SEC. 2. The capital stock of said Company shall not be more than six thousand dollars, nor less than three thousand dollars, divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation by electing one of their own body President; and after such organi-



zation, a majority of said directors shall have full power to carry into effect the object of this act until an election shall be had by the stockholders, in accordance with their by-laws, for their directors.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, superintendents, surveyors, engineers, artists, and all other officers and persons necessary to carry into effect the object of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, regulations, and all orders for the payments of such allowances as may be made to their officers, and others in their employ; which journal shall be read from time to time by the board, and if found to be correct, to be signed by the President. They may sit on their own adjournments or on the order of the President; when the President is absent, they may appoint a President *pro tem.*; they may fill all vacancies which may happen in their own body.

SEC. 5. The directors shall have charge of the stock books of said company, with full power to receive subscriptions to said stock, and collect the same at such places in Wayne county, and at such time or times as they may appoint, after six weeks notice in some newspaper near said work, in such amounts as they may think best for the interest of the work, not exceeding in amount fifty (50) per cent. of which in each year, after the stock becomes payable.

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any county, for the agent of any state, or the United States, on behalf of the same, to subscribe for any amount of capital stock, and the books shall be kept open for such space of time and at such places as the corporation shall choose, and may be re-opened at any time; and they may, by an agent, offer for sale in this or any other State, any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power, on their own credit, to borrow money on such terms as may be agreed on by the parties.

SEC. 7. It shall be lawful to organize in one year, or so soon as two thousand dollars are subscribed to the capital stock, and commence operations, and that they must commence in good faith in one year, and complete it in three years, or forfeit their charter.

SEC. 8. The corporation, by their agents, shall have full power from time to time to examine, survey, and locate the route for a turnpike road, commencing at the State line between the States of Indiana and Ohio, at the point where the Dayton Western Turnpike intersects the same, and running as near as practicable on a straight line from thence to intersect the line of the Cumberland Road at some point between the residence of Amos Clawson, in the county of Wayne, and where the road diverges, leading to Eaton, Ohio; and that the road shall be constructed in accordance with the plans and specifications, &c., which governed in the construction of the said Dayton Western Turnpike Road, as defined in an act to incorporate the said Dayton Western Turnpike Road Company, passed February 26, 1839, by the legislature of Ohio.

SEC. 9. It shall be the duty of the directors, at their first meeting, or within three months thereafter, to call, by advertisements, for such portion of the first year's instalment on the capital stock, as they may deem proper.

SEC. 10. Certificates of stock shall be given by the stockholders, which shall be evidence of the stock held; they shall be signed by the President, countersigned by the clerk; the stock shall be transferable only on the books of the corporation personally, or by an agent, or attorney, or by the

administrator, executor, trustee, or guardian; but such stock shall at all times be holden by the corporation for any dues from the holder thereof to the corporation, for any sum that may hereafter become due on a contract made prior to such transfer.

SEC. 11. The directors shall advertize a meeting of the stockholders within three months after their first meeting, to elect three (3) directors to act as such for the space of one year thereafter, and until their successors are elected and qualified into office.

SEC. 12. All elections after the first, shall be held on the first Monday of April, annually; each person owning stock in said company shall be allowed to give one vote for each share so owned, (for one month previous to such election;) owners of stock may vote by proxy or by legal representatives. Two stockholders, who are not directors, shall be appointed by the board previous to each election, who shall act as judges of such election; give certificates to those who receive the highest number of votes, informing them of their election; and it shall be the duty of the directors elect to meet and organize within three days after such an election; but if circumstances should transpire to prevent such an election, on the day appointed, the directors shall appoint another day for that purpose.

SEC. 13. That the thirteenth, (13) fourteenth, (14) fifteenth, (15) sixteenth, (16) seventeenth, (17) eighteenth, (18) nineteenth, (19) twentieth, twenty-first, (21) twenty-second, (22) and twenty-third (23) sections of an "Act to incorporate the Richmond and Boston Turnpike Company," approved February 15, 1839, be and the same are hereby made a portion of this charter of the Richmond Turnpike Company.

SEC. 14. That if said road, after its completion, shall be suffered to go into decay, or to be impassable for one year, this charter shall be forfeited; and also all damages, detentions, &c., caused to travellers by imperfections in said road, or its bridges, may be charged for by the person sustaining the same, and collected as a common debt; and it shall be unlawful for the company to collect toll for any part of said road, while dangerous imperfections exist.

SEC. 15. It shall be lawful for the directors to receive subscriptions in money, or approved work; if in work, to be done at such times as the contractor or contractors having the construction of said road may require, and wages to be agreed on by the contractors and stockholders, and if such agreement cannot be effected, the stock to be collected in money, and a receipt from the contractor to the company, received through said stockholder, shall be a sufficient voucher that said stock is paid.

SEC. 16. This act to be in force from and after its passage; and it shall be taken to be a public act, and favorably construed for all beneficial purposes; and any subsequent legislature, by a majority of each branch thereof, may alter or amend this charter.

That any person or persons may, and they are hereby authorized and empowered fully and completely to construct a Clay or McAdamized road from Bloomington via Nashville, in Brown county, to Columbus, in Bartholomew county, under the act entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioner and Chief Engineer." Approved January 28th, 1842.

This act to be in force from its passage.



## CHAPTER XIII.

An Act to incorporate the Frankfort Railroad Company.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William M. Wynkoop, James Blair, John Smith of Ross township, Noah T. Catterlin, Samuel D. Maxwell, and William Seawright, of Clinton county, and their successors in office, duly elected as hereinafter provided, are hereby constituted a body corporate and politic, by the name of "The President and Directors of the Frankfort Railroad Company," and by such name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this State; and shall have power to make and use a common seal, and the same to alter at pleasure, and to make contracts and enforce the same, and to establish and put in force such by-laws, rules, and regulations as may be necessary to carry into effect the provisions of this act, not inconsistent with the constitution and laws of this State or of the United States.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation by the election of one of their body as president; and after such organization, any four members of said board shall constitute a quorum for the transaction of business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ; which journal shall, from time to time, be read by the board, and, if found to be correct, signed by the president. They may sit on their own adjournments or on the call of the president; when the president is absent they may appoint a president pro tempore. They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our names, in such manner and proportions and at such time as the President and Directors of the Frankfort

Railroad Company may direct: witness our hands this      day of  
184 ."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State or United States, on behalf of the same, to subscribe for any amount of capital stock, and the books shall be kept open for any such space of time, and at such place or places as the corporation shall choose, and may be reopened at any time, and they may, by any agent, offer for sale in any other State any amount of stock upon such terms and conditions as may be thought advisable. They shall have power, on their own credit, to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as two hundred shares are subscribed for, and ten dollars are paid on each share, it shall be the duty of the corporation to give three weeks' notice thereof in one or more newspapers; and in such notice appoint a time and place for the stockholders to meet and elect thirteen directors, who shall be stockholders and citizens of this State; which election shall be held within three months after the last share in one hundred shares is subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the persons having a plurality of votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election unless the same shall have been held one month previous to the election; in all elections one share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, State, or of the United States, or any person having a right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; the president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

SEC. 9. All elections after the first, shall be held on the third Monday of October annually under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, that if, from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.



SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; it shall be signed by the president and countersigned by the clerk. The stock shall be transferred on the books of the corporation, personally, or by agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall be held at all times by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty-five dollars on each share in any one year, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some newspaper of this State, or by written notice given to the stockholders, in which shall be specified the amount demanded on each share and the time and place of payment; if any stockholder shall neglect or refuse to pay any such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount due with ten per cent. damages for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatsoever amount may have been paid thereon, and no such delinquent, before the forfeiture of his stock, shall have any right to vote for directors, or receive any dividend on his, her, or their stock until the corporation is fully satisfied.

SEC. 12. The corporation, by their agents, shall have full power from time to time to examine, survey, locate, and construct a railroad, for a single or double track, commencing at some such point in the county of Clinton as the board of directors, or a majority of them, may determine upon, and running on the best ground for the interest of the company and the public convenience, through the town of Frankfort, and from thence to such a point on the line of the Wabash and Erie Canal, as a majority of the board of directors, previous to the subscribing for said stock, shall determine: *Provided*, if said directors shall select some point on said canal for the termination of said railroad, and sufficient stock shall not be subscribed, they shall have power, and it shall be their duty, to release the subscribers; and they may, at any time thereafter, open new books for the subscription of stock to construct said railroad to some other point on said canal.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, wood or other materials, necessary for the construction of said road, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 14. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons

through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction or location of said road, as also the stone, gravel, timber, or other materials, that may be obtained on said route, and may contract for stone, gravel, timber, and other materials; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, money, labor, property, stone, gravel, or other materials for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, for the benefit of the corporation, shall be binding and obligatory; and the corporation may have their action at law in any court of competent jurisdiction, to compel the same: *Provided*, that all such contracts, relinquishments, donations, gifts, grants, and bequests shall be fully and plainly made in writing, signed by the party making the same.

SEC. 15. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where the difficulties may occur, that such facts do exist, and such justice of the peace shall thereupon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much; and shall file such report with such justice; whereupon said justice shall enter judgment thereon unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, that either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding terms, in the discretion of the court; and the judgment of the circuit court shall be final.

SEC. 16. And in all cases when the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notice, said justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be



seized of the land or materials: cost shall be allowed or awarded against either party at the discretion of the justice.

SEC. 17. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided, however*, that before such location shall be made the corporation shall make application to the county commissioner of the proper county for such right; and the said commissioners are hereby vested with power to grant the same, by an order entered on their records: *And, provided also*, that such right shall be granted on condition that the corporation shall leave a sufficiency of said state or county road in as good repair, for common use, as previous to such occupation.

SEC. 18. That when said corporation shall have procured a right of way as herein before provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 19. The corporation shall commence the construction of said road any time within five years after the opening of the books, and from time to time construct so much towards the point of destination as may be within the ability and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided*, that if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time for its construction: *Provided also*, if any part of said road shall be completed within the time aforesaid, in that case all the rights, privileges, and benefits granted in this act, shall be extended to and vested in said company to such part of said road as shall be completed.

SEC. 20. It shall be the duty of said corporation, wherever any State or county road, now established, shall cross or may hereafter cross the railroad, to make and keep in repair good and sufficient causeways, so that the free use of said State and county road shall not be obstructed; and in all cases where any persons shall own land on both sides of said road, and there shall not be any causeway for a public road leading from one tract to the other, the owners of such lands shall have the right, free of charge, to cross the same, and to make such causeways as may be necessary for the convenience of said owner: *Provided*, that such owner of land shall not injure or obstruct said road.

SEC. 21. That it shall be lawful for said corporation to place or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of products, lumber, goods, wares and merchandise, or any other kind of property, and for this purpose the corporation may construct said road with such locks, turns, gates, bridges, aqueducts, culverts, toll and warehouses as may be considered necessary for the interests of the company and convenience of the public; and the corporation may charge tolls and freights on such part

of the road as may be in a sufficient state for travel, although the whole be not finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be laid so as to admit carriages thereon.

SEC. 22. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages on said road or any part thereof as shall be for the interest of said company, and to change, lower, or raise, at pleasure: *Provided*, that the rates established from time to time shall be posted in some conspicuous place or places on said road.

SEC. 23. That when the aggregate amount of dividends declared, shall amount to the full sum invested and ten per centum per annum thereon, the legislature may so regulate the tolls and freights that not more than fifteen per centum per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and receiving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools, but the corporation shall not be compelled by law to reduce the tolls and freights so that a dividend of fifteen per centum cannot be made; and it shall be the duty of the corporation to furnish the legislature, if required, with a correct statement of the amount of expenditures and the amount of profits after deducting all expenses; which statement shall be made under the oath of the officers, whose duty it shall be to make the same.

SEC. 24. Semi-annual dividends of so much of the profits as the corporation may deem expedient shall be made on the first Monday of December and July annually, unless the directors fix on a different day, and pay the stockholders as soon thereafter as they can with convenience, and no dividends shall be made to a greater amount than the nett profits after deducting all expenses; and the directors may reserve such proportion of the profits as a contingent fund to meet subsequent expenses as they shall deem proper.

SEC. 25. That if any person or persons shall knowingly and willfully injure or obstruct said road, or any part thereof, or shall break, destroy or deface any work, edifice, device, toll, or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation five times the amount of damages actually done, with costs of suits, to be recovered by the corporation before any court having competent jurisdiction; *Provided*, that all actions commenced by the corporation for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

SEC. 26. It shall be lawful for the county commissioners for the county through which the said road passes, for and on behalf of such county, to authorize by an order, as much of the stock to be taken as they may think proper, at any time within five years from the opening of the books.

SEC. 27. It shall be the duty of the corporation to cause a full statement of the affairs of the company, to be made and exhibited to the



stockholders at every annual election, or at any other general meeting of the stockholders.

SEC. 28. Any number of stockholders owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice thereof, in which specifying the object of the call, and a majority of the stock being represented, they may make such order relative to the concerns of the company as a majority may determine.

SEC. 29. The corporation may, by contract, admit the intersection with the said road, with any other railroad, turnpike or any other road or any collateral road.

SEC. 30. The state, in time of war, shall have the right to transport troops, munitions of war and provisions, free of toll on said road.

SEC. 31. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may, at any general meeting, reduce the number of directors to any number not less than five.

SEC. 32. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the Secretary of State; and from and after that time it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays the owner or owners of land on said changed route the amount of damages they may sustain by such re-location.

SEC. 33. That if said road after its completion, shall be suffered to go into decay, or be impassible for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 34. The corporation shall in no case, directly or indirectly, engage in any kind of trade, or deal in merchandise, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of receiving deposits, making discounts, or issuing bills of credit, or bills or receipts of any description, to pass as a circulating medium.

SEC. 35. The corporation shall cause to be kept a fair record of the whole expense of making and repairing said railroad, and of each section thereof, with all incidental expenses; and also, a fair account of the tolls received; and the State shall have the right to purchase the stock of said company, at any time after twenty-five years, by paying to said corporation a sum of money, which, together with the tolls received, shall equal the cost and expense of said railroad as aforesaid, with an interest of ten per centum per annum, and the books of said company shall always be open for the inspection of any Agent of the State appointed for that purpose by the legislature; and upon any refusal to exhibit their books and accounts to said Agent, upon request made to the President, all powers granted by this act shall cease.

SEC. 36. The stockholders of said company shall be liable in their individual capacity for all the debts, dues, and obligations of said company, in proportion to the money [amount] of stock held by them respectively.

SEC. 37. The legislature reserves the right to alter, amend, or repeal this act of incorporation at any time.

SEC. 38. This act shall take effect and be in force from and after its passage, and shall be deemed and taken to be a public act.

## CHAPTER XIV.

An Act to incorporate the Terre Haute Draw Bridge Company.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders, pursuant to the provisions of this act, be and they are hereby constituted a body politic and corporate, by the name of the "Terre Haute Draw Bridge Company," and by such name shall be capable of holding real estate sufficient for realizing to said company the object of this act, and to sue and be sued, implead and be impleaded, and answer and be answered unto, in law and equity, in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules and regulations, not repugnant to the constitution and laws of this state or of the United States, as shall from time to time be found necessary to promote the interest or insure the good government of said corporation.

SEC. 2. The capital stock of said corporation shall be twenty thousand dollars, divided into shares of twenty-five dollars each.

SEC. 3. That Thompson Hall, Joseph S. Wallace and Albert Lange be and they are hereby appointed commissioners to open books for receiving subscriptions to the capital stock of said corporation, and the said books shall be opened on or before the first Monday in June, 1844, and each of said commissioners may receive subscriptions, either jointly or separately.

SEC. 4. As soon as three hundred shares shall have been subscribed, the said commissioners shall, by publication in one or more newspapers printed in the county of Vigo, cause notice to be given of the time and place of meeting of the stockholders to choose directors; and at the time and place so appointed, the stockholders shall choose seven directors, being stockholders of said corporation, who shall serve one year, and until their successors are chosen and qualified into office, a majority of whom shall constitute a quorum for the transaction of business; and an annual election for directors shall be held at such time and place as the stockholders at their first meeting shall appoint; and the directors thus chosen shall, as soon thereafter as practicable, choose one of their own body as president, and one also as secretary, and such other officers as may be necessary: *Provided*, that should the stockholders neglect or fail, at any annual election, to elect directors, the corporation, on that account, shall not be dissolved, but the president and directors for the time being shall continue to exercise the duties of their office until their successors are chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they may think proper; not, however, exceed-



ing more than one half the amount of such subscriptions, within four months succeeding the election of such directors, by giving three weeks' notice in one or more newspapers, published in the county of Vigo, thirty days prior to the commencement of the suit hereinafter authorized to be instituted, or by giving written notice to the stockholders, stating the amount upon each share demanded, and the time and place of payment. And if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with one per cent. a month interest thereon from such delinquent; and if the amount cannot be made on execution, or if such delinquent is out of the state, the corporation may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation.

SEC. 6. The said corporation may erect and maintain a bridge across the Wabash river, at any point within the following bounds, viz: Between a point one hundred yards below the lower ferry, and two hundred and fifty yards above the upper ferry, in the town of Terre Haute; which is left to the discretion of said directors. And said corporation shall have, and may use, the writ of *ad quod damnum*, and all the benefits arising from the law allowing the use of said writ, for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll houses, and necessary causeways and roads to the same.

SEC. 7. Whenever the said bridge shall be completed, the said corporation may erect a gate at either end of the bridge, and demand and receive the following rates of toll: For two horses or oxen and loaded wagon, eighteen and three-fourth cents; for two horses or oxen with wagon not loaded, twelve and a half cents; for a four horse or ox team and wagon loaded, twenty-five cents; for a four horse or ox team with wagon not loaded, eighteen and three-fourth cents, and for every additional horse or ox attached thereto, three cents; for a single horse and wagon, or buggy, twelve and a half cents; for a man and horse, six and one fourth cents; for every person on foot, three cents; for horses or cattle, mules or asses, led or driven, per head, two cents; for hogs, sheep, goats, and calves, one cent per head; and in analogous proportions of the foregoing rates for any other animals or carriages; but all persons going to and returning from religious worship, going to and returning from muster, when on militia duty, or those going to or returning from funerals, shall be exempt from toll.

SEC. 8. Said bridge shall be built sufficiently wide to permit carriages going east and west to pass conveniently on the same, and shall be well secured by a railing on each side, not less than four feet high, and the spans of the same shall be elevated a sufficient height above high water stage to admit the passage of loaded flat boats under it.

SEC. 9. The said company shall cause to be stationed, during the season when the Wabash river is navigated by steamboats, a qualified person or persons, whose duty it shall be to raise the "draw" in said bridge, when boats are approaching up or down said river, by night or day; and it shall be the further duty of said company to cause lights to be placed at the "draw" in said bridge, during the night time, when the river is so navigable, and should

any avoidable or unnecessary delay occur, by reason of neglect, in permitting steamboats to pass up or down said river, the said corporation shall be subject to a fine of not less than ten nor more than five hundred dollars, for the benefit of the owner or owners of the steamboat so detained, to be recovered before any court having competent jurisdiction.

SEC. 10. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders.

SEC. 11. The president and directors shall fill all vacancies that may happen in their own body; they may sit on their own adjournments or on the call of the president, and when the president is absent, the directors may appoint a president pro tem.

SEC. 12. The capital stock of said corporation may be increased to any amount not exceeding thirty-thousand dollars, by a vote of the stockholders at their annual, or at any special meeting of the stockholders, called for that purpose by the president.

SEC. 13. In all elections for directors, each stockholder shall be entitled to vote in person or by proxy, under such regulations as may be prescribed by the stockholders according to the following scale, to-wit: For each share not exceeding five shares, one vote; for every two shares above five and under fifteen, one vote; and for every three shares above fifteen, one vote.

SEC. 14. Yearly dividends of so much of the profits as the corporation may deem expedient, shall be declared on the day of the annual elections of the directors, unless the directors fix a different day, and paid to the different stockholders as soon thereafter as it can with convenience be done; but no dividend shall be made to a greater amount than the net profits after deducting all expenses.

SEC. 15. Certificates of stock shall be given to stockholders which shall be evidence of stock held; they shall be signed by the president and countersigned by the secretary; the stock shall be transferrable on the books of the corporation only, personally or by agent or attorney, duly authorized for that purpose; but such stock shall at all times be held by the corporation for any debts due from the holder thereof to the corporation.

SEC. 16. At the time of receiving subscriptions for stock, it shall be the duty of the commissioners to receive subscriptions for full, whole, and part shares, but such part or fractional shares shall, in no case, be received for less than one fourth of one share of stock.— And in all voting of said corporation, of business or election, the right of persons possessed of part or fractional shares, shall be equal to, and coextensive with, those of persons possessed of one full share of stock.

SEC. 17. If any person shall wilfully impair or injure said bridge, he, she, or they, so offending, shall forfeit and pay to the corporation, treble the amount it may cost to repair the same, with costs of suit, to be recovered on conviction thereof before any court of competent jurisdiction.



SEC. 18. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said corporation six times the amount of legal toll, to be recovered with costs of suit in an action of debt before a justice of the peace of the county of Vigo.

SEC. 19. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered with costs before a justice of the peace to the use of the person so unreasonably delayed, hindered, or defrauded.

SEC. 20. If said bridge shall not be constructed within five years from the passage of this act, then, and in that case, this act to be null and void; otherwise, to be in full force and virtue for the term of twenty-five years.

SEC. 21. The several corporators and their property shall be liable for the debts of the corporation in the same manner and to the same extent as individual partners are liable for the debts of an individual unincorporated partnership; and the legislature hereby reserves to herself the right to repeal this act at any time.

SEC. 22. This act to take effect and be in force from and after its passage.

## CHAPTER XV.

An Act to incorporate the Porter county Manufacturing Company

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of managing a saw mill, flouring mill, and other manufacturing establishments at Fort Creek in Porter county, Indiana, and for transacting all business incident thereto, Ruel Starr, Harman Beech, and Samuel J. Anthony, and their associates be and they are hereby constituted a body politic and corporate, by the name and style of the Porter county Manufacturing Company, and by and in such corporate name and capacity may sue and be sued, plead and be impleaded, in any of the courts of law and equity in this State.

SEC. 2. The process against said corporation shall be by summons, and being served on the President or any director thereof, shall be sufficient, and the further proceedings the same as against natural persons.

SEC. 3. The said corporation may have a common seal and may change and alter the same at pleasure, and shall be capable of purchasing, holding, using and conveying any estate, real and personal, necessary for the use of said corporation.

SEC. 4. The capital stock of said corporation shall be twenty thousand dollars, and shall be divided into shares of twenty-five dollars each, but it shall be lawful for said corporation to commence when, and so soon as four

thousand dollars shall be subscribed for, and with that capital to commence, conduct, and carry on the same until they shall find it expedient to enlarge their stock, which they are authorized to do from time to time to the amount herein before mentioned.

SEC. 5. The books for the purpose of procuring subscriptions to said stock shall be opened by Ruel Starr, Harman Beech, and Samuel J. Anthony, or any two of them at Valparaiso, in Porter county, and such other places as to them or any two of them shall seem fit; and they are hereby appointed commissioners to receive subscriptions to said stock, on such days and times as they shall appoint after the passage of this act, and the sum of five dollars, at least, shall be paid on each share, previous to the election of directors.

SEC. 6. So soon as the sum of four thousand dollars shall be subscribed, the commissioners appointed to receive the same, having fixed the amount of the first instalment, shall appoint a day and place, at which the stockholders shall meet and pay the said instalment on their respective shares, and elect directors, giving at least, ten day's notice, by advertisement in some newspaper printed in the proper county or affixed to the court house door, of the place and time of such meeting.

SEC. 7. The stock, property, and concerns of said corporation, shall be managed by five directors, to be annually chosen by the stockholders, on the first Monday of March in each year, said directors being stockholders, and residents of Porter county, and shall hold their offices for the term of one year, and until their successors are elected, of whom three shall be a quorum for doing business. *Provided, however,* that no failure to elect officers shall dissolve the corporation, but the acting directors shall continue in office until the next annual election.

SEC. 8. All elections shall be by ballot; each share shall be entitled to one vote and may be given by proxy.

SEC. 9. The first election herein contemplated, shall be held under the direction of the commissioners, and all subsequent ones, under the direction of the directors.

SEC. 10. The directors chosen under this act, shall immediately proceed to elect one of their body President, and if any vacancy shall occur, either of President or any of the directors, the remaining directors shall appoint from among the stockholders, suitable persons to fill such vacancies, for the remainder of the term for which such directors were elected.

SEC. 11. The board of directors, or a quorum thereof, shall have power to form such by-laws and ordinances as shall, from time to time, seem to them, to be needful and proper for the management and conduct of said corporation, in disposing of the stock, property, estate, and effects of said corporation, and to do all other things necessary to the promotion of the objects of said corporation as shall be consistent with the laws of the United States, and of the State of Indiana.

SEC. 12. The stock of said corporation shall be assignable and transferable, according to such rules and regulations, as the board of directors may make and establish, and shall be considered personal property: *Provided,* that no transfer of stock shall be valid or effectual until registered in a book to be kept for that purpose by the President, which book as well as all others, kept by the corporation, shall, at all times suitable for transacting business, be open to the inspection of any stockholder, or person having any demand against the corporation, or any member of it, and in case any officer or member of the said corporation, or any other person intrusted with the charge of said books shall refuse to let any person interest-



ed, as above mentioned, in said books, examine the same on reasonable demand, such officer or other person shall be subject to a fine of fifty dollars, for every such offence, to be recovered by indictment in the Porter county circuit court, which fine shall be for the use of the county seminary of said county.

SEC. 13. The directors shall, at all times, keep or cause to be kept, at some proper place, books of accounts, in which shall be entered all the transactions of said corporation.

SEC. 14. The said stockholders shall each be held responsible to all creditors, in their individual capacity, to the amount of stock by each owned and subscribed, on failure of said corporation to discharge all its debts and legal liabilities: *Provided*, that no individual property shall be applied in payment of the debts of said corporation, until the entire property, stock, and money of said corporation shall have been first applied: *And provided*, also, that if the directors of said corporation shall, at any time, create a debt, exceeding the amount of stock subscribed, their individual property shall be first applied in payment of said debts, after the corporate fund has been fully applied.

SEC. 15. The corporation hereby created shall not engage in the business of banking, or issue any kind of paper to pass as a circulating medium.

SEC. 16. It shall be lawful for the said corporation to make, cut, or dig a canal for the purpose of conducting the water from the Calumet river, at or below the mouth of Salt creek, in Porter county, to the most convenient point on Fort creek, in said county, for the purpose of conducting and carrying on such manufacturing establishments as such corporation may from time to time establish, and may dig in and across any public highway, street or road: *Provided*, said corporation shall make a good and sufficient bridge over said canal at such point or points as it may be necessary for the public to cross such canal or ditch.

SEC. 17. The commissioners herein appointed may collect by action of debt, the first instalment on all shares subscribed, and the directors shall have the same remedy for the collection of all subscriptions of stock that shall not be paid previous to their election, and in case any subscriber fails to pay said instalments when called for, either by the commissioners or directors, he shall be liable to pay to said commissioners or directors twenty-five per cent. penalty on the amount due, for the use of said corporation.

SEC. 18. This charter shall not be construed so as to bind said corporation to build both a saw and flouring mill or other manufacturing establishments, but they shall be left at liberty to build one or the other or all as they shall deem fit, and they may select any site for the same on Fort creek in Porter county, that they may deem proper and convenient.

SEC. 19. For the recovery of all demands due said corporation, their proper remedy shall be by action of debt, and they shall, in all cases, be subject to the action of debt, at the suit of any person to whom said corporation may be indebted.

SEC. 20. The directors of said corporation shall annually declare a dividend to all stockholders in said corporation, and at such other times as they may deem advisable, and at each annual election they shall lay before the stockholders their books, showing a full and fair exposition of all the transactions of the previous year.

SEC. 21. This charter shall be subject to alteration or repeal at the discretion of the legislature.

SEC. 22. This act to take effect and be in force from and after its passage.

## CHAPTER XVI.

An Act to incorporate the Warren County Canal Company.

[APPROVED JANUARY, 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That George Wolfee, Thomas Johnson, Thomas Dawson, sen., William Coldren, Caleb Rhodes, William Gray, Basil Justice, Hiram Farmer, and James A. Young, of the county of Warren and State of Indiana, their associates and successors in office, be and they are hereby constituted and made a body politic and corporate, and shall be and remain such forever, under the name of "The Warren County Canal Company," and by that name said company may contract and be contracted with, may sue and prosecute and be sued and prosecuted to final judgment and execution, in all courts having competent jurisdiction, and do all other things legitimate for such company to do; and they are hereby invested with all the powers and privileges in any wise necessary or expedient to carry into effect the proper business of the association.

SEC. 2. The capital stock of said company shall consist of seven thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary, to accomplish the object herein contemplated.

SEC. 3. The persons named in the first section of this act, or a majority of them, shall be commissioners, whose duty it shall be, as soon as it may be convenient or expedient after the passage of this act, to meet at Independence, in said county of Warren, and designate some suitable places for the opening of books, and cause the same to be duly opened for the subscription of the capital stock of said company. Twenty days' notice, at least, shall be given by said commissioners, of the times and places of opening said books, by public notice at such places as may be deemed expedient; the books of subscription shall be kept open so long as said commissioners may deem expedient.

SEC. 4. As soon as a sufficient amount of stock be subscribed as will, in the opinion of said commissioners, warrant the completion of the work herein contemplated, it shall be the duty of said commissioners to give three weeks' notice of the same by publication in some newspaper having general circulation in the county of Warren, or by a sufficient number of written notices, not less than three, to be posted up in the most public places in the said county, and in said notices appoint a time and place for the stockholders to meet and appoint seven



directors, who shall be stockholders and citizens of the county of Warren; which election shall be by ballot, and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present; and the persons having the highest number of votes shall be deemed duly elected. In all elections, each share shall entitle the owner to one vote, up to five; and for every two shares above five and under ten, one vote; and for every four shares above ten and under twenty, one vote; and for every five shares above twenty and under thirty, one vote, to be given by the person or one of the firm owning the same, or by proxy.

SEC. 5. That the stockholders shall be liable, over and above their stock paid in, of their individual estates, to the amount of their several shares and stocks subscribed thereto, for the better securing the payment of any debts that said company may and shall contract.

SEC. 6. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect a President, Secretary, and Treasurer from their own body: The President and Directors thus elected shall continue in office until the next annual election, and until their successors be elected and qualified.

SEC. 7. All elections, after the first, shall be on the first day of January annually under the direction of the stockholders present; of which election notice shall be given at least ten days previous to the holding of the same; but should no election be holden on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

SEC. 8. That the directors, which shall be chosen at such first election, and at each annual election thereafter, shall, before entering on the duties of their respective offices, take an oath or affirmation faithfully and diligently to discharge the duties of the same, to the best of their abilities: In case of the death, resignation, or the abandonment of the duties of his office, of any director or other officer, such vacancy may be filled from among the stockholders, to serve until the next annual election, by the board of directors.

SEC. 9. The secretary of the corporation shall keep a journal of its proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made from time to time to their officers, and all others in their employment; which journal and proceedings shall from time to time be examined and certified to as correct, by the President, and open at all times to inspection by any stockholder: the treasurer shall, in addition to his oath of office, be required to give bond and security to the satisfaction of the directors of said corporation, for the faithful discharge of his duties; and, also keep a book provided for the purpose by said directors, in which he shall keep an accurate account of all receipts of money paid into the treasury, the time of receiving, and the amount paid out from time to time, with such other proceedings as may relate to his duties, which shall also, at any time be liable to the inspection of any director or other stockholder of said corporation, and shall, with the secretary, be entitled to a reasonable compensation for their services, to be agreed upon by the board of directors.

SEC. 10. Said corporation, constituted as above, shall have the privilege, and they are hereby authorized to unite the Wabash and Erie canal with the Wabash river, by a lateral canal in Fountain county opposite the town of Independence, in Warren county, and to use the water of said canal for the purpose of transporting boats or other water crafts of suitable dimensions, and for such other purposes as may be necessary to carry into effect the design of the corporation.

SEC. 11. Stock may be subscribed in any such association in real estate, labor, materials or services, to be paid on such terms and conditions as may be agreed on by the person or persons so subscribing, and the board of directors rating the same as near as practicable at its fair cash value; and in each and every case where stock is taken in real estate, the subscriber shall, within ten days after subscribing the same, convey all his interest, title, claim, and demand in such land subscribed by him, by a good and sufficient title to the said corporation under the name aforesaid, for the use of said association, to be disposed of by them in the most profitable manner, and the proceeds arising therefrom, to be applied for the purposes contemplated by this act.

SEC. 12. If any of such subscribers shall fail to convey, as aforesaid or otherwise, to satisfy the board of directors in this behalf, such subscriber or subscribers shall be bound to pay the amount of stock subscribed for in cash in accordance with the provisions of this act regulating the payment of the stock of other stockholders.

SEC. 13. Said directors shall have power to meet from time to time, as may be expedient, to adopt such rules and regulations, and make such by-laws as, in their judgment, the business and affairs of the association may require, and which are necessary to perform the duties and carry out the powers granted by this act; to appoint such subordinate officers, engineers, artists, agents, and workmen as shall be necessary to exercise the business of the association; to issue proper certificates of stock to the stockholders, and determine in what manner and under what restrictions their shares of capital stock shall be transferable; to fix the compensation and prescribe the duties of the several officers and agents in the employ of the association; to require such bonds, obligations, and securities of the secretary, treasurer, and other officers of the association as may be judged necessary; to decide upon the location of the work undertaken by said association; to order and cause to be made all surveys, estimates and lettings of the work, at such time and places as they may determine; to prescribe such forms of contract, rules, regulations, and specifications for the performance of work as they may judge proper; to regulate the time and manner in which all boats or other water crafts shall pass on said work; to make and construct complete, and keep in repair the work constructed by the association in accordance with the provisions of this act; to establish and collect the amount of tolls and transit duties; to make and declare, de-



ducting the expenses, a dividend of clear profits, if any, of said work and appurtenances, among the stockholders, at such times as may be deemed expedient, and do all other things expedient for them to do to carry into effect the design of the corporation.

SEC. 14. The corporation, through their directors, shall have power to call for such portions of the stock subscribed, not exceeding fifty per cent. of the amount subscribed by any stockholder in one year, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof in some newspaper having general circulation in the county of Warren, or by giving written notices to the stockholders; in which notices shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall refuse or neglect to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount with interest thereon, and if the amount cannot be made on execution, or if such delinquent has absented himself from the State, then the corporation, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may be paid thereon; and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his stock until the corporation is fully satisfied. The corporation shall require of all officers, and others in their employ, bonds, with such security as they may think proper, for the faithful performance of their respective duties.

SEC. 15. That whenever any lands, water, or materials shall be taken for the construction of said canal, or any part thereof, or works connected therewith, and the same shall not be given or granted to said company, and the proprietor or proprietors do not agree with said company as to the compensation therefor, it shall be lawful for the person or persons claiming compensation as aforesaid, to select for themselves one arbitrator, and said company shall select another, and the two thus selected shall select a third, all of whom shall be disinterested persons, who shall award as arbitrators between the parties, and report the result of their award, in writing, to the secretary of said company, who shall enter the same at full length, with the other proceedings appertaining to said arbitration, in books of said company; and from any such award either party may appeal to the Circuit Court having jurisdiction thereof; and such appeal shall, in all cases, be governed by the laws regulating appeals from justices of the peace, regarding said secretary as the justice of the peace for all purposes of appeal; and in all cases when compensation shall be claimed, it shall be the duty of the arbitrators, or the court or the jury trying the case, to estimate any advantage which the construction of said lateral canal may be to the person or persons claiming such compensation; and such advantage shall be set off against the compensation so claimed of said company; and said appeal, when taken and filed in the court, shall be by the clerk docketed, and the person or persons

claiming the compensation shall be set down as the plaintiff, and the company the defendant.

SEC. 16. That if any person or persons shall wilfully obstruct said lateral canal, or the navigation thereof, remove, or in any way spoil, injure, or destroy said canal, or any part thereof, or any thing belonging thereto, or any materials to be used in the construction or for the repair thereof, such person or persons, or any person or persons assisting, aiding, or abetting in such trespass, shall forfeit and pay to said company double the amount of damages sustained by means of such offence or injury, to be sued for and recovered with costs of suit by action of debt in any court having competent jurisdiction.

SEC. 17. Lists of the rate of tolls and transit duties of every kind, shall be made out by the secretary as fixed by the board of directors, and shall be set up in the office of the association, and no other higher rate of tolls or transit duties shall be charged and taken by any of the officers of the association, unless the same shall have been altered by the board of directors, and the list thereof, as in this section provided, set up at least one month prior to the time of changing the same. And if any officer or agent of said association shall violate the provisions of this section by exacting any greater amount of tolls or transit duties than he might lawfully exact, he shall forfeit and pay to the person or persons so injured, three times the amount of the sums unlawfully exacted, to be recovered in any court of competent jurisdiction.

SEC. 18. This act to be in force from and after its passage, and be taken and deemed a public act, and shall be liberally construed.

SEC. 19. The legislature reserves the right to amend or repeal this act or any part thereof at any time hereafter.

## CHAPTER XVIII.

An Act incorporating the town of South Bend, St. Joseph county, Indiana.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Benjamin F. Price, William H. Patterson, John Brownfield, Abraham Wilson, and Ricketson Burroughs, be and they are hereby appointed trustees of the corporation of the town of South Bend, St. Joseph county, Indiana, to serve as such until the first Monday in March, 1845, and until their successors are elected and qualified as hereinafter directed.

SEC. 2. That the said trustees, at their first meeting, after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, and preserve



order, put all questions, and upon an equal division of the board, give the casting vote, and at the close of each meeting, shall sign the minutes of the same; and the said trustees shall also, at said meeting, or as soon after as may be convenient, appoint all officers necessary to carry into effect the provisions of this act, and make to them such compensation as to said trustees shall appear reasonable and right.

SEC. 3. The said president and trustees of said town and their successors in office, shall be and the same are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of "The President and Trustees of the town of South Bend," and by their corporate name shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction, and shall have power to make, use, and have a common seal, and the same to break, alter, and amend at pleasure; to ordain, order, establish, and put into execution and effect, such by-laws, rules, and ordinances necessary and proper for the benefit and convenience of the citizens of said incorporated town; and shall also have power to adopt and put in force such laws, ordinances and regulations as they shall deem necessary for the police, good government and order of said town hereby incorporated; subject, however, to the restrictions, limitations, and provisions hereinafter provided, and not inconsistent with the constitution and laws of this State, or the constitution and laws of the United States.

SEC. 4. That the said trustees, and their successors in office, shall, before entering upon the duties of their office, take an oath or affirmation faithfully and impartially to discharge the duties of the same; and it shall be the duty of said president and trustees, or a majority of them, to lay off said town into five wards, and cause a particular description of each to be entered on the books of the corporation, and on the first Monday of March, 1845, and annually thereafter, there shall be an election held at some convenient place in said town, to be designated by the said president and trustees, to elect by ballot one trustee from each ward for said corporation, each elector only voting for one trustee, who must reside within his respective ward; at which election each white male inhabitant of said town, who shall have the qualifications of a voter for State and county officers, and shall have resided within the bounds of said corporation six months next preceding the day of election, shall be entitled to a vote at the same; ten days' previous notice of which election shall be given by the president and trustees aforesaid, by publishing the same in some newspaper in said town, or by putting up written notices thereof, one in the most public place in each ward, designating the time and place said election is to be holden; but no person shall be eligible to the office of trustee unless he shall be a legal voter, as above set forth, and a resident householder or freeholder within the ward for which he is elected.

SEC. 5. That the said president and trustees, at their meeting preceding the annual elections, shall appoint an inspector of said election, whose duty it shall be to attend the same, and call to his assistance

two other qualified voters, who shall be judges of said election, and they shall appoint two clerks of the same, all of whom, after being sworn or affirmed to a faithful discharge of their duties as such, shall proceed to receive the votes between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., on said day: *Provided, however,* that if the said inspector shall not be present at the hour of 10 o'clock, A. M., the electors present may choose one to act in his place at such election. *And provided, also,* that if the electors should fail to meet, or the president and trustees fail to give notice of any election, the said corporation shall not, thereby, be dissolved, but the president and trustees then in office shall continue until others, their successors, are elected at an annual meeting of the electors, and qualified; and that the said inspector, judges, and clerks, shall be allowed each the sum of fifty cents per day for their services as such, and the certificate of said inspector shall be sufficient evidence of said service, and shall be receivable by said corporation for any taxes due the same.

SEC. 6. The said president and trustees shall provide a ballot-box, at the expense of the corporation, which shall contain five separate apartments, with an opening in the lid to each apartment, not larger than shall be sufficient for a single closed ballot to be inserted therein at one time, and near each opening to be marked thus, "1st ward," "2d ward," and so on to "5th ward;" and each elector, before casting his vote, shall mark on the back of his ballot the number of the ward in which he may reside, and such ballot shall be inserted in the ballot box by the inspector, in the opening corresponding with the number on the back of said ballot; and should any name be found within said ballot for trustee, who does not reside within the ward, corresponding in number with the number on the back thereof, such vote shall not be counted; and the said inspector and judges of such election shall certify, under their hands, the five persons who receive the highest number of votes from each ward, within three days after such election, to the clerk of said corporation, which certificate shall be filed and put on record by said clerk, whose duty it shall be to deliver a copy thereof to each of the five persons returned, forthwith, which certificate shall be sufficient authority for such person to take his seat as trustee: the trustees thus elected, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation faithfully and impartially to discharge their duties as trustees, shall elect one of their body president, as in the second section of this act mentioned; in case of his absence at any meeting of the board, they shall appoint a president pro tem.; when vacancies happen by death, resignation, or otherwise, such vacancies shall be filled by the remaining trustees until the next annual election; and should any ward fail to elect a trustee, at the first election, it shall be considered a vacancy, and shall be filled as aforesaid; but ever after the old trustee shall continue until one is elected. A majority of the trustees shall, at all times, form a quorum; they shall meet on their own adjournments, and appoint their officers as in the second section of this act. Each



voter shall be considered as being a resident of the ward in which he may board.

SEC. 7. That any person who shall vote, or attempt to vote at any corporation election, contrary to the provisions of this act, and, that any person voting or attempting to vote at any such election, not having the legal qualifications of a voter, shall, on presentment or indictment in the St. Joseph Circuit Court, be fined in any sum not less than three, nor more than ten dollars for each such offence.

SEC. 8. It shall be the duty of the President to sign all laws, ordinances, and decrees of a public nature, and also, to sign the records of all their by-laws and journals or minutes of their proceedings; and shall also be attested by their clerk; and at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a clerk, a treasurer, and marshal, each of whom shall serve one year, or until their successors shall be chosen and qualified; they shall before entering upon the duties of their offices, take an oath or affirmation, diligently, faithfully, and impartially to discharge the duties of their respective offices; and the said treasurer and marshal shall give bond and security, payable to the said president and trustees, to be approved by them in such penal sum as they may require, conditioned for the faithful discharge of their duties respectively, and for the paying over to the proper person or authority, any and all moneys which may be collected or received by either of them, or otherwise come into their hands by virtue of their respective offices, and for the due, honest and faithful discharge and performance of all and singular their duties as such officers during their continuance as such agreeably to the provisions of this act; which bond shall be filed among the records and papers of the said president and trustees for the benefit of all persons who may be injured or damaged by the malfeasance, misfeasance, or non-feasance of such officers; and in case said officers should fail or refuse to perform all or any of the conditions of said bond, the said president and trustees, or any person aggrieved as aforesaid, or otherwise, shall be entitled to bring an action of debt thereon, before any court of competent jurisdiction, in the same manner, and shall be governed in all respects by the laws of the State of Indiana in similar cases against constables and justices of the peace on their official bonds.

SEC. 9. The President and trustees shall have power to pass such laws, ordinances, or decrees as may be necessary to guard against damage by fire; to organize fire companies and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, and cause the same to be removed; to declare what shall be considered a public nuisance; to prevent, restrain, prohibit, and punish for all descriptions of gaming in said incorporation; to grant licenses for any and all purposes, and subject to the same provisoes, restrictions and limitations as may be granted by the boards doing county business under the laws of this State that are now in

force or that may hereafter be put in force; to prevent any riots or disturbance or disorderly assemblies in said town; to regulate the keeping and storing of gun-powder and other combustibles and dangerous materials, and the use of candles and lights in barns and stables; to prevent the encumbering of streets, side-walks, and alleys with carriages, wagons, carts, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, building materials, or any other substance or material whatever; to regulate the grading and improving of the streets, side-walks, and alleys in said town; to restrict or prohibit the exhibition of stud horses within the streets of said town; to adopt and put in force such portions of the criminal laws of this State as may be necessary for the good government and order of said incorporation; and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of said incorporated town; and whenever it may become necessary to commit any person or persons to prison for a breach of any of the penal laws of the State so adopted, it is hereby made the duty of the Sheriff of St. Joseph county to receive said person or persons in such manner as if they were committed by a justice of the peace or other officer now authorized to commit to prison.

SEC. 10. The president and trustees shall have power, from time to time, to appoint such marshals, constables, or other officers, as they may deem necessary, to carry out and enforce all orders, ordinances, by-laws, decrees or regulations of said corporation; to prescribe their duties and regulate their compensation, and remove all such officers at pleasure.

SEC. 11. That if said president and trustees should fail or neglect to post up or publish the notice for the election of trustees, as required in the fourth section of this act, they shall, upon conviction thereof before any justice of the peace within said incorporation, be fined in any sum not less than two, nor more than ten dollars each, to be collected as other fines, for the use of said incorporation, together with costs.

SEC. 12. The limits of the corporation shall extend to and embrace the plat of the town of south Bend, with any addition or additions, whether in-lots or out-lots, which have been or hereafter may be made thereto, as the same is or may hereafter be entered on record, in the recorder's office of the county of St. Joseph; and for the purposes of good government, and the suppression of any immoral conduct, the limits of said corporation shall extend one mile each way from said town plat: *Provided*, that no tax for corporation purposes shall be levied or collected from persons residing or property lying without the limits of the town plat, or the additions now or hereafter to be made thereto.

SEC. 13. The president and trustees shall have power to levy annually, and collect a tax, as hereinafter provided, on real property, not to exceed one fourth of one per cent. on its valuation, either excluding or including improvements, at the discretion of said president and trustees; and said president and trustees shall have power to levy annually and collect a tax on all personal property subject to State and county taxes, and which is within the limits of said town, not to exceed one-fourth of one per cent. on its valuation: *Provided*, that said tax so levied and collected on personal property shall not be applied to the grading and improving of the streets, side-walks, and alleys in said town: *And provided further*, that merchants, paying a



corporation license for the privilege of selling or retailing articles of merchandise, shall be exempt from such taxation on the merchandise for which said license may be granted, but no farther.

The term "merchants," in this section, shall be construed to mean, all persons trading in foreign or domestic goods, groceries, wares, merchandise, drugs or medicines, and none other; and also said president and trustees shall have power to levy, annually, and collect a poll tax on each male inhabitant of said town over the age of twenty-one years, and under the age of fifty years, not to exceed fifty cents: *Provided, however*, that no poll tax shall be assessed or collected off any person who is not a qualified voter within said incorporation at the time such tax may be levied.

SEC. 14. The president and trustees shall, in the month of April of each year, appoint an assessor for said corporation, who shall take an oath of office, and give bond and security to be approved of by the said president and trustees, conditioned for the faithful discharge of his duties as assessor, after which he shall proceed forthwith to make a fair list, in alphabetical order, of all persons subject to tax; also, of all lots, parts of lots, or fractional lots, particularly noting the number and description thereof, the owner's name, if known, and whether resident or non-resident, annexing thereto, in a column for that purpose, the fair cash value of said lots or parts of lots, either including or excluding improvements thereon, as said president and trustees may direct, together with the aggregate value of such other property as the president and trustees may direct him to assess. All personal property ordered to be assessed shall be valued at its true cash value; and said assessor may require any person to give in his, her or their property so to be assessed, under oath or affirmation, which may be administered by said assessor; and such assessor shall, on or before the third Monday in May next succeeding, make return to the clerk of the corporation of such list and appraisement.

SEC. 15. That if any person, resident of said incorporated town, shall refuse to give a list of his or her property when called upon by the assessor, or shall fraudulently omit to give in any part of his or her property which may be required to be assessed and listed, the assessor shall take a list and assessment of such person's property thus refused or omitted to be given in, from the best information he can obtain.

SEC. 16. That if any person, resident of said incorporated town, shall refuse to give a list of his or her property; or, that if any person, resident as aforesaid, shall fraudulently omit to give in any part of his or her property when called upon by the assessor, such person or persons thus offending shall, on conviction thereof before any justice of the peace within said corporation, be fined in any sum not exceeding ten dollars, to be collected as other fines, for the use of the corporation, together with costs.

SEC. 17. The president and trustees shall, in the month of May in each year, appoint a collector for said corporation, who shall take an oath of office, and give bond and security to be approved of by the president and trustees, conditioned that he will faithfully and honestly discharge the duties of his office, and that he will pay over all moneys that may come into his hands, as collector, to the treasurer of said corporation, or to such person as may be authorized to receive the same.

SEC. 18. The president and trustees shall cause the clerk to make out, from the returns of the assessor, a fair list of all persons taxable with personal property, and with real property, as set forth in the assessor's list,

adding the amount of tax chargeable to each person, setting forth the owner's name, if known, and carrying out, in a separate column, the amount of tax on real estate to each, and in a separate column the amount of tax on personal property to each, and deliver the same to the collector on or before the tenth day of June, annually, and certify the aggregate amounts thereof to the treasurer; such list so put into the hands of the collector, certified by the president and attested by the clerk, to be a true list of persons' property taxed, and amount of tax charged, shall be sufficient authority for the collector to proceed to collect the same.

SEC. 19. It shall be the duty of the collector, whenever any tax shall be paid, to give to the person paying the same a receipt therefor, specifying therein the town lot, or other property on which such tax was assessed, according to its description on his tax list, or in some other sufficient manner.

SEC. 20. It shall be the duty of the collector, so soon as he shall receive the tax list from the clerk, as mentioned in the 18th section of this act, to give notice of such fact by posting up at least one written notice in the most public place in each ward, or by publishing the same in some newspaper printed and published in said town, and that he will attend at some particular place in said town, to be specified in said notice, on Saturday of each week, until the first Saturday in July next ensuing, for the purpose of receiving taxes.

SEC. 21. That if any person or persons shall fail to pay the taxes charged against him, her, or them on or before the first Saturday in July, such person or persons may pay the same at any time before the collector shall have distrained any property for the payment of such taxes; but the collector may, at any time after the said first Saturday in July, and it is hereby made his duty, to distrain sufficient goods and chattels belonging to the person or persons charged with such taxes, if found within said incorporated town, to pay the taxes remaining due from such person or persons, and the costs that may accrue; and shall immediately proceed to advertise the same in three public places in said town, stating the time when, and the place where, such property will be sold; and if the taxes for which such property shall have been distrained, and the costs which have accrued thereon, shall not be paid on or before the time appointed for such sale, which shall not be less than ten days after the taking of such property, said collector shall proceed to sell such property at public vendue, to the highest bidder, or so much thereof as will be sufficient to pay said taxes and the costs of such distress and sale.

SEC. 22. That the collector shall be allowed the same fees for making distress and sale of goods and chattels for the payment of taxes as may be allowed by the laws of the State to constables for making levy and sale of property on execution, excepting that there shall be no mileage charged, and also, there shall not be charged over twenty-five cents for advertising the sale.

SEC. 23. In all cases where the tax due and owing cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax



and costs due thereon, by giving at least twenty days' notice in some newspaper published in said town, or by posting up three written notices in the most public places in said town, in which notice or notices he shall describe the lot or lots or parts of lots to be sold by their proper number or some other certain description, with the owner's name if known, with the amount of tax and costs due from such person or persons, or on such lot or lots, and that he will proceed to sell the same at the court house door in said town by public out cry on the fourth Saturday in August, between the hours of ten o'clock, A. M., and 4 o'clock, P. M., or so much thereof as will pay the tax and costs due thereon; and file a true copy of said advertisement with the clerk of said corporation to be filed by him among the records of said corporation.

SEC. 24. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots to the person who will pay the tax and costs due for the smallest portion of the lot or lots so offered for sale, and shall give to the purchaser or purchasers a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that said purchaser will be entitled to receive a deed for the same at the end of two years, unless the owner or some person for him, her, or them, shall redeem the same on or before that time, by paying to said purchaser, his, her, or their heirs or assigns, the amount of the purchase money with one hundred per cent. thereon, and also all other taxes, whether corporation, state, or county that said purchaser, his, her, or their heirs or assigns may have paid thereon, with twenty-five per centum thereon or deposite the amount with the treasurer of the corporation for the benefit of the purchaser, his, her, or their heirs or assigns, to be paid to him, her, or them, on the surrender of the original certificate of purchase, out of any money in the treasury not otherwise appropriated. And for the purpose of ascertaining the amount of state and county taxes which the purchaser may have paid, the owner shall also produce the county treasurer's certificate of the amount, and file the same with the treasurer of the corporation, and said corporation treasurer shall give said owner duplicate receipts for the amount paid, describing the lot or lots, one of which said owner shall file with the clerk of said corporation; and the treasurer shall also report the same to the president and trustees at their next meeting.

SEC. 25. In case the owner of any lot or fraction of lot so sold as aforesaid, his, her, or their agent or attorney shall not pay the amount of the purchase money and taxes, with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector then in office, to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or fraction of lot; which deed, acknowledged according to law, shall vest the right and title in fee simple to said real estate in the purchaser, his heirs and assigns, and divest the owner or owners of any title

thereto; and said deed shall be prima facie evidence of the correctness of all prior proceedings.

SEC. 26. The collector may adjourn his sale from day to day for three days, and if, at the final adjournment of his sale at any time, any lot or lots should remain unsold for the want of buyers, he shall make return thereof, and the amount of the tax and cost shall remain as a lien upon such lot or lots, and shall be added to the next assessment, together with one hundred per cent. thereon. The collector shall be allowed for his fees, twenty-five cents for each certificate of sale, and ten cents for the advertising of each lot or part or fraction of lot.

SEC. 27. The collector shall be allowed the sum of seventy-five cents for each deed, to be paid by the person to whom the deed is made.

SEC. 28. The president and trustees shall allow to the collector such per centage on the amount collected and paid over, or such other compensation for his services as to them may seem proper and right.

SEC. 29. It shall be the duty of the collector to pay over to the treasurer, on or before the tenth day of September annually, all moneys by him collected, and take his receipt therefor; which receipt, together with the tax list with his proceedings thereon, and also a statement of the lots sold, setting forth the name of the purchaser, with a description of the lot or lots or parts of lots, the amount of tax and cost due, and the amount for which it was sold; and also, on a separate roll, a list of delinquents, for which delinquent list he shall receive a credit if deemed correct and true; all of which shall be filed with the clerk of said corporation, and if the whole is deemed correct, said clerk shall give said collector a quietus.

SEC. 30. That if any collector, on making his final settlement, shall stand charged with any tax which remains unpaid, and shall not receive a credit therefor in such settlement, such collector may collect such tax for his own use, at any time within one year after such settlement, either by distress and sale as herein before provided, or by an action of debt in his own name, before any justice of the peace or court having jurisdiction thereof.

SEC. 31. All laws or ordinances of a public nature, passed by the president and trustees, shall be published in some newspaper printed and published in said town, or published by posting up a written copy thereof in some public place in each ward, before the same shall be of force, and shall be signed by the president of said corporation.

SEC. 32. No money shall be drawn from the treasury, for any purpose whatever, except it be on the order of said president and trustees, which order shall be signed by the president and attested by the clerk, and shall be regularly numbered, and shall be registered by the clerk in a book kept for that purpose.

SEC. 33. The legislature reserves to itself the right to alter, amend, or repeal this act at any time hereafter; but no such amendment or repeal shall impair the validity of any obligation created by said corporation, or affect, in any manner, the right of any person or persons acquired under such corporation.



SEC. 34. That all corporations, so far as the same relates to the town of South Bend, which may have been heretofore created under and by virtue of "An act providing for the incorporation of towns," approved February 17, 1838, be and the same is hereby dissolved: *Provided always*, that such dissolution shall not, in any manner, affect the title to the grave yard west of town, but that the president and trustees incorporated by this act, shall, to all intents and purposes, succeed the president and trustees mentioned in a certain deed of conveyance made by Alexis Couillard, on the first day of March, 1841, to "The President and Trustees of the incorporation of the town of South Bend," conveying a certain parcel of land for the purpose of a burying ground, any law to the contrary, notwithstanding, and for all necessary purposes whatever, the limits of the corporation created by this act are hereby extended so as to include the said burying ground.

SEC. 35. This act to be in force from and after its publication in the "South Bend Free Press," a weekly newspaper printed and published in the town of South Bend, at the expense of said town, and it is hereby made the duty of the Secretary of State to forward a certified copy thereof to the editor for that purpose.

## CHAPTER XIX.

An Act to incorporate the Muncietown and Grant county Turnpike Company.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel P. Anthony, Martin Golsher, Eleazer Coffeen, William McCormac and John Saunders, of Delaware county; and Thomas Kirkwood, Thomas Deen, John Dolman, Jacob Line, and George Hobaugh, of Grant county, their associates and successors, be and they are hereby constituted a body politic and corporate, under the name of "The Muncietown and Grant County Turnpike Company," and by that name may contract and be contracted with, may sue and prosecute and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction; and do and perform all other things legitimate for such company to do, and they are hereby invested with all the powers and privileges in any wise necessary or expedient to carry into effect the proper business of the association.

SEC. 2. The capital stock of said company shall consist of fifty thousand dollars, which may be increased, at any time, to any sum not exceeding double that amount, that may be deemed expedient to carry into execution the legitimate objects of said company; and said stock shall be deemed personal property.

SEC. 3. Said stock shall be divided into shares of ten dollars each, and may be taken by any individual, company, county, or State, to be paid for in cash, labor, or any kind of property, real or personal, that may be agreed upon; and in such way and manner, and at such times and places, as shall be by the company prescribed.

SEC. 4. Any five of the persons named in the first section of this act shall constitute a quorum for doing business; and so soon as may be deemed expedient, they shall meet at such place as may be by them agreed upon, and shall proceed to open books for the subscription of the capital stock, and do all other things needful for the full organization of the company.

SEC. 5. In case a quorum shall fail to attend at any time and place agreed upon, those attending may either adjourn to another day, or they may consider the stations of the absentees, or any of them, as vacated, and appoint some proper person or persons to fill the same.

SEC. 6. So soon as may be deemed expedient, after one thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for five directors, each of whom shall be a stockholder to the amount of at least two shares. Said commissioners shall, in all things, manage such election, and give proper certificates to the persons elected, who shall hold their office for one year, and until their successors are duly elected and qualified.

SEC. 7. At said election, and at each subsequent election, each stockholder shall have one vote on each share up to ten; one vote on every two shares above ten up to thirty; one vote on every three shares above thirty up to sixty; one vote on every four shares above sixty up to one hundred; but no one shall have to exceed one hundred votes; and each stockholder may vote in person, or by proxy given in writing.

SEC. 8. The time, place, and manner of holding all subsequent elections of directors, shall be regulated by the by-laws of the company, except that the elections shall be annually as nearly as may be convenient.

SEC. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company, said directors shall choose one of their number to act as president; they shall also appoint a secretary and treasurer, and this mode of organization and qualification shall be continued and observed by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business and to supply any vacancies that may occur in their own body.

SEC. 10. Said company shall have power to view, mark, locate, and construct a turnpike road from Muncietown in Delaware county to Marion in Grant county; and in constructing said turnpike said company may follow such plan and use such materials as they may deem most expedient, and if it shall be found necessary and advantageous to the location and construction of said turnpike road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided, however*, that before such location shall be made, the corporation shall make application to the county commissioners of the proper county for such right, and said commissioners are hereby vested with the power to grant the same.

SEC. 11. Said company may adopt such rules and regulations, and make such by-laws as, in their judgment, the business and affairs of the company may require, and such as are expedient to perform the duties and carry out the powers vested by this act; they shall also have the power to appoint all needful officers, agents and operatives,



and require them or any of them to give such bonds as may be deemed expedient, to enforce the payment of all stock subscriptions at such times and places, and in such proportions as may be agreed upon under pain of forfeiture of the shares of stock taken by the delinquent and the payment made thereon to the company, or to sue for and recover the amount due in an action of assumpsit at their option; to issue proper certificates of stock, and regulate the mode of transferring the same; to acquire, lease, sell, and dispose of such real estate as may be expedient for the interest of the company; to enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of the land and materials for such damages as may be just and reasonable, when the same are not voluntarily relinquished; to keep said road in repair; to erect, continue, and keep toll gates; to establish, charge, and collect from all such as may use said road; to make and declare dividends of profits to the holders of the stock, and to do all other proper acts expedient to be done in accordance with the intent and meaning of this act.

SEC. 12. If any person or persons shall wilfully and knowingly injure or obstruct said road or anything belonging thereto, such person or persons on conviction thereof before any court of competent jurisdiction, shall pay for the use of said company, twice the amount of damage done and costs of suit.

SEC. 13. Plain and accurate accounts of the receipts and expenditures of said company, specifying clearly the nature of each, shall be kept by the company, and shall, at all times, be subject to the inspection of the stockholders whenever any two of them shall apply at the same time for such inspection.

SEC. 14. The service of legal process on the president, treasurer, or secretary of said company, shall be held, in all courts and places, of sufficient service on said company; and on the trial of all suits and prosecutions brought by said company, the regularity of all their proceedings to entitle them to sue or prosecute, shall be presumed, but no common law ground of defence, when made to appear, shall, by anything herein contained, be construed to have been taken away.

SEC. 15. The signature of the president of said company, attested by the secretary, shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws may require to be authenticated by the common seal of the company, and such seal they are authorized to devise, adopt, and use.

SEC. 16. The said company shall, under pain of forfeiture of their charter, begin the construction of said road within ten years, and finish the same within fifteen years, and at any time after fifteen years from the completion of said road the State may buy up the same from said company at cost.

SEC. 17. This act shall be in force from and after its passage and be deemed a public act, and shall be liberally construed, and it may, at any time, be amended or repealed.

## CHAPTER XX.

An Act to incorporate the Lafayette Blues in Tippecanoe county, Indiana.

[APPROVED JANUARY, 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That George H. G. Stackhouse, Joshua Baker, Samuel A. Huff, and Benjamin F. Winchell, members of a rifle company organized and in operation in the county of Tippecanoe, with their associates and successors, be, and they hereby are constituted a body politic and corporate, by the name and style of "The Lafayette Blues," and by that name shall have perpetual succession, with power to contract and be contracted with, to sue and be sued, plead and be impleaded in all courts of law or equity; to have and use a common seal, and the same to alter or change at pleasure; to create and elect or appoint their officers, under such regulations as they may, by by-laws ordain, and, in general, to make, establish, and enforce such by-laws, regulations, and rules, not inconsistent with the constitution and laws of the United States and of this State, as they shall deem beneficial to the success and good government of said company.

SEC. 2. The commissioned officers of said company shall be a Captain and three Lieutenants, who shall be commissioned by the Governor of the State of Indiana, on due notice of their election, and to whom alone their resignations shall be tendered: *Provided*, that the commissioned officers heretofore elected, and who now hold commissions in said company, shall remain in office the same as if elected subsequent to the passage of this act.

SEC. 3. The non-commissioned officers of said company shall consist of five Sergeants and four Corporals, together with one Quarter Master, one Secretary, and one Treasurer, who shall be elected by the company, and hold their offices for one year subsequent to election; which election shall be at such time as the said company may fix by their by-laws.

SEC. 4. Said company shall have power to levy taxes not exceeding two dollars on each member in any one year; to assess and collect such fines for non-attendance at parades, drills, or business meetings, not exceeding three dollars per day for each member, and such fines for deficiency in equipments, not exceeding one dollar for each article, from each member, as may be ordained by the by-laws of the company.



SEC. 5. All fines assessed or taxes levied by said company, may be sued for and recovered in an action of debt, before any justice of the peace or other court having jurisdiction, and the cause of action shall be deemed and taken as sufficient if made in the following form:

A. B. to the Lafayette Blues, Dr.

To (naming the particular cause of indebtedness, and setting out the amount);

and on the trial of all causes to which the company may be a party, their books, records, and papers, duly authenticated under the hand of the Secretary, shall be admitted, in all courts and places, as prima facie evidence of the facts contained therein.

SEC. 6. All fines, taxes, or penalties collected by said company, shall be for the exclusive use and benefit of the same.

SEC. 7. It shall be the duty of the Captain to order out said company for parade and military improvement, one day in each month, and oftener if so directed by the company's by-laws.

SEC. 8. So long as said company shall remain in active operation, the persons composing the same shall not be required to perform any other militia duty in time of peace; nor shall any person, while he remains an active member of said company, be required to pay a poll tax or to work the roads.

SEC. 9. It shall be the duty of the captain of said company to furnish each member thereof with a certificate of membership, under his hand, with the seal of the company attached; which certificate the county assessor and treasurer of Tippecanoe county, and all other officers interested, are hereby required to notice and respect.

SEC. 10. Said company shall be subject to the civil power, and shall assemble when required by the same, for the purpose of suppressing all riots and insurrections that may happen in Tippecanoe county.

SEC. 11. Said company is also empowered to purchase, or receive by donation, and hold real and personal estate for the use of said company, not to exceed in value the sum of five thousand dollars; and to erect, purchase, or lease a suitable building for an armory and drill meetings.

SEC. 12. To enable said company more effectually to provide for good order and discipline, they are hereby authorized and empowered to organize within themselves such courts as may be necessary to take cognizance of all delinquencies, contempts, and disobedience of orders, or unsoldierlike conduct on the part of any member of such company; and all fines assessed by said court shall be collected as hereinbefore provided.

SEC. 13. All persons who shall serve for the full term of five years from the date of their enrolment as a member of said company, shall be entitled to a discharge, and shall thereafter be exempt from militia duty in this State, except in case of insurrection or invasion.

SEC. 14. This act shall be a public act, and construed favorably in all courts and places, and shall be in force from and after its passage.

SEC. 15. The legislature reserves the privilege of amending or repealing this act at any time.

## CHAPTER XX.

An Act to incorporate the Union Mill Company of Laporte.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Sylvanus Everts, Timothy C. Everts, Henly Clyburn, Reuben Munday, and Samuel Troat, and their successors in office, duly elected, as hereinafter provided, are hereby constituted a body politic and corporate, by the name and style of "The Union Mill Company," of Laporte, and by that name shall have succession, sue and be sued, plead and be impleaded, in any court of law or equity, and shall be able to make and use a common seal, and the same to alter or change at pleasure; to make contracts and enforce the same; to take, hold, and convey real estate and personal property; and to make and enforce all necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State, or of the United States.

SEC. 2. The capital stock of said company shall be seven thousand dollars, divided into shares of fifty dollars each; but may be increased, at the pleasure of the directors to any sum not exceeding fifty thousand dollars; but said company shall not, at any one time, hold real estate exceeding in value the sum of twenty-five thousand dollars. And the object of the company shall be the purchase, use, and improvement of the mills commonly known as the "Huron Mills," in Noble township, (built by Sylvanus Everts) and the lands and water power and privileges connected therewith.

SEC. 3. At any time after the passage of this act, the said directors above named or a majority of them, may meet at said mill, and shall then and there organize, by appointing a president and secretary out of their own body; and when organized, shall cause books to be opened for subscription to the capital stock of said company, at such time or times, and at such place or places, and in such manner, and on such terms and conditions, as they may think proper; and all subscriptions to said stock shall be binding upon the subscribers.

SEC. 4. As soon as one hundred shares of said capital stock shall have been subscribed for, said directors shall appoint a time and place for holding an election for five directors of said company, of which reasonable notice shall be given to said subscribers, which election shall be conducted by two judges, to be chosen by the stockholders then present, and the person receiving the largest number of votes shall be duly elected; and in all elections, each stockholder owning one share shall be entitled to one vote; holding three or more shares, but less than twenty, one additional vote for every two shares, and one additional vote for every three shares over twenty; and said votes may be given in person or by proxy.

SEC. 5. Said five directors, then so elected, shall choose a president from their own body, and said president and directors shall hold their office for one year, and until their successors are elected and qualified; and annual elections shall be held for directors in each year, on the first Monday of the month in which the first election shall be held, unless otherwise directed by persons entitled to a majority of the votes.



SEC. 6. Each stockholder shall be individually responsible in double the amount of his stock, for all legal liabilities incurred by said company. And this act shall exist and be in force for the period of fifty years, provided, that the legislature reserves the right to repeal the same at any time.

SEC. 7. This act shall take effect and be in force from and after its passage.

## CHAPTER XXII.

An Act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever a majority of the adult white inhabitants of any ward in the town of Lawrenceburgh shall, by remonstrance in writing, directed to the corporate authority of said town, or to the board of county commissioners doing county business in said county, signify their desire that no ardent spirits, wine, or malt liquor, shall be sold therein by a less quantity than one quart, the corporate authority of said town and said board of county commissioners shall not grant, to any person, a license to sell ardent spirits, wine, or malt liquors, in such ward, contrary to such remonstrance, when once made; and such remonstrance, when once made, shall continue in force until suspended by a petition signed by a majority of the adult white inhabitants of such ward; and this section shall be deemed to apply to taverns, as well as groceries and coffee houses.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER XXIII.

An Act incorporating the Delphi Water Works Company.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Robert C. Green, James H. Stewart, James Spears, Abner H. Bowen, and George M. Maxwell, of Carrol county, Indiana, and their successors in office, be, and they are hereby, constituted a body corporate for the purposes hereinafter mentioned, by the name of "The Delphi Water Works Company," and in and by that name may use a common seal, may sue and be sued, plead and be impleaded, in any court of this State; and as such to have perpetual succession.

SEC. 2. The object of this incorporation is to enable the said corporators, and their successors, to furnish the town of Delphi, in Carrol county, with wholesome water through and by the medium of pipes or conduits, and for this purpose the said corporators may receive, have, and hold, by purchase or devise, any property, real or personal, not exceeding in value the sum of five thousand dollars, and may take and receive, by proper deeds of assurance, any grant of right of way, and make and enter into any contract for the furtherance of the objects of the provisions of this act.

SEC. 3. That any two of the above named corporators may open books for the subscription of stock to said company, at any time within one year from the time of the passage of this act.

SEC. 4. That stock in said company shall consist of shares of the sum of ten dollars each, and each share shall entitle the holder to one vote in all matters pertaining to the affairs of said company.

SEC. 5. That the said corporators and their successors, and the stockholders thereof, shall have power to pass, enact, amend, change, or alter, and enforce, by suit or otherwise, any by-law for the government of the affairs of said corporation, not inconsistent with the constitution or laws of this State.

SEC. 6. That the individual stockholders of said incorporation shall be liable to the same extent for the debt, contracts, or defalcations of said company, as partners are in like cases.

SEC. 7. That this act shall be a public act, and shall be construed liberally.

SEC. 8. This act, at any time, may be altered, amended, or repealed by the General Assembly of the State of Indiana.

This act to be in force from and after its passage.

## CHAPTER XXIV.

An Act to incorporate the College Corner and Liberty Turnpike Company, and the Liberty and Abington Turnpike Company.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Isaac Conwell, William Cason, John L. Burgess, George Heavenridge, Calvin B. Howe, Jeremiah Williamson, John Yaryan, Hulick Burk, and Samuel Ridenour, of Union county, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of "The College Corner and Liberty Turnpike Company," shall be able and capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable at law, to make contracts and enforce the same; and to make and enforce the necessary by-laws, rules, and regulations, to enable them to



carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the State of Indiana.

SEC. 2. That John Yaryan, Samuel McCullough, John Immel, Isaac Snyder, and Matthias Foshier, of Union county, and Nicholas Smith, Thomas Manning, John Wright, Edmond Jones, and Frederick Black, of the county of Wayne, and their successors in office, are hereby constituted a body corporate and politic, and by the name and style of "The President and Directors of the Liberty and Abington Turnpike Company," shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew, at pleasure; and shall be able and capable at law to make contracts and enforce the same; and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the State of Indiana.

SEC. 3. The capital stock of each of said corporations shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each.

SEC. 4. The corporations or companies aforesaid shall be governed in all respects by the provisions of an act entitled "An act to incorporate the Wayne and Union Turnpike Company, and the Brownsville and Centreville Turnpike Company," approved February 7th, 1835.

SEC. 5. That the corporation or company first aforesaid shall have power and authority to examine, survey, mark, locate, and construct a turnpike road from the College Corner on the Ohio line, to the town of Liberty in Union county; and the corporation or company created by the second section of this act, shall have power and authority to examine, survey, mark, locate, and construct a turnpike road from the town of Liberty in Union county to the town of Abington in Wayne county.

SEC. 6. This act shall take effect and be in force from and after its passage; and the legislature reserves to itself the right to amend or repeal said charter at any time hereafter.

## CHAPTER XXV.

An Act to amend an act entitled "An act to incorporate the Logansport and Wabash Bridge Company."

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act to incorporate the Logansport and Wabash Bridge Company," approved February 7th, 1835, be and the same is hereby amended by substituting the words "all persons resident in Cass county, or other persons going to or returning from places of religious worship on the Sabbath day: *Provided,* they shall pass the said bridge upon the same day that they attend any such place of worship."

SEC. 2. This act to take effect from and after its passage.

## CHAPTER XXVI.

An Act to repeal an act entitled "An act to incorporate the Trustees of Hanover Academy," and An act entitled "An act to amend an act to incorporate the Trustees of Hanover Academy," approved Jan'y. 1st, 1834, and for other purposes.

[APPROVED JANUARY 15, 1844.]

WHEREAS, the Trustees of Hanover College have proposed to surrender to the General Assembly of the State of Indiana, the charter of the said college and to dissolve the said corporation, on certain conditions by them stated, and have requested the said General Assembly to take the necessary and proper measures for the settlement of the pecuniary affairs of said corporation: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act to incorporate the Trustees of Hanover Academy," approved \_\_\_\_\_ and the act entitled "An act to amend an act to incorporate the trustees of the Hanover Academy," approved January 1st, 1834, be and the same are hereby repealed, so far as relates to Hanover College.

SEC. 2. The Governor shall appoint some suitable person as a receiver or trustee for the settlement of the pecuniary affairs of the said corporation. It shall be required that the said receiver or trustee before he shall enter on the execution of the trust created by this act, to take an oath or solemn affirmation before some judge or



justice within the county of Jefferson, truly and faithfully to execute the said trust, and to file a copy of the same in the office of the clerk of the circuit court of the said Jefferson county; it shall be the duty of the said receiver or trustee, and he shall have full power, after he shall have been so qualified, to receive and take into his possession all real estate, personal property, notes, obligations, and property of every kind belonging to the said corporation, and the same to sell, lease, convey or otherwise dispose of; and from the proceeds thereof, to pay all debts and adjust all claims against the said corporation, to sue and be sued, to plead and be impleaded, in all manner of suits, demands and causes of whatsoever nature or form they may be, in any court or courts of record within this State or elsewhere; and all other things to do in as full and effectual a manner as any other person may lawfully do, in order to a full, final and equitable settlement of the whole pecuniary affairs of the said corporation; and to make a full report of his proceedings to the circuit court in and for the county of Jefferson, for the approval of said court; and for his services herein, the said receiver or trustee shall receive out of the proceeds of the property of said corporation, such reasonable compensation as the said court shall decree.

SEC. 3. All the effects of the said corporation consisting of estate real or personal, and property of every kind whatsoever, which shall remain after all claims legal and equitable, against the said corporation shall have been adjusted, and all the debts of the said corporation shall have been paid, vesting by law in the State, shall be and the same is hereby granted and given to the "Trustees of the Madison University;" and the said receiver or trustee provided to be appointed by this act, is authorized and directed to pay over and convey the same to the said "trustees of the Madison University," or to such person or persons as the said trustees shall appoint to receive the same: *Provided*, that all persons within the county of Jefferson who have heretofore subscribed any sum or sums of money to said trustees of Hanover College be, and they are hereby released and exonerated from said subscriptions.

SEC. 4. *Be it further enacted*, That the act entitled "An act to incorporate the trustees of the Union Literary Society of Hanover College," be so amended as that the name and style of the said corporation shall hereafter be "The trustees of the Union Literary Society of Madison University," and that the act entitled "An act to incorporate the trustees of the Philaethian Society of Hanover College," be so amended as that the name and style of the said corporation shall hereafter be the "Trustees of the Philaethian Society of Madison University;" and that both these societies shall hereafter sustain the same relation to the said University which they have heretofore sustained to Hanover College.

SEC. 5. That the act entitled "An act to incorporate Hanover Academy," approved January 6th, 1829, be and the same is hereby revived, and that John Finley Crow, Tilley H. Brown, Williamson Dunn, George Logan, William Reed, John M. Young, James H. Gra-

ham, Thomas D. Young, Robert Simonton, Jacob Haas, John D. Smock, and their successors in office, be and they are hereby constituted a board of trustees, under the provisions of said act, and that all the privileges, immunities, and property possessed and held by said corporation at the time of its incorporation or erection into a college be and the same is hereby restored.

SEC. 6. This act shall take effect and be in force from and after the 15th day of Feb., 1844.

## CHAPTER XXVII.

An Act supplemental to an act entitled "An act to incorporate the Trustees of the Madison University," passed at the present session.

[APPROVED JANUARY 15, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the day of the first meeting of the board of trustees named in said act which is by said act fixed on the 4th day of February, 1844, which falls on the Sabbath, shall be and the same is hereby changed and required to take place on Monday the 5th day of February, 1844.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER XXVIII.

An Act incorporating the Rushville and Shelbyville railroad company.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act of the General Assembly of Indiana, approved January 28th, 1842, entitled "An act to provide for the continuance of all or any part of the public works of this State by private companies; and for abolishing the board of internal improvement, and the offices of fund commissioner and chief engineer," be and the same are hereby granted, and extended to any company or association of individuals, for the purpose of extending and continuing the lateral branch of the Madison and Indianapolis railroad from Shelbyville, in the county of Shelby, to Rushville in the



county of Rush, the same being a continuance of the lateral branch of said railroad, as specified in the 82d section of the above recited act.

SEC. 2. That when said company shall organize under the provisions of the said law, it shall be denominated the "Rushville and Shelbyville railroad Company;" and as such shall have all the powers, privileges, and immunities, guarantied by said act, and be subject to all the restrictions and limitations therein contained.

Sec. 3. This act shall be in force from and after its passage.

## CHAPTER XXIX.

An Act to amend an act entitled "An act to incorporate the Vevay and Napoleon and other Turnpike Companies," approved Feb. 8, 1836.

[APPROVED JANUARY 15, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the thirteenth section of said act, be so amended as to allow Joel DeCoursey, William Lanius, and Abijah North, of the county of Ohio, and John Hunter, of the county of Ripley, and their successors in office, appointed or elected as hereafter provided be and the same are hereby created a body politic and corporate, who shall, by the name and style of "The Rising-sun, Versailles and Napoleon Turnpike Company," sue and be sued, plead and be impleaded, defend and be defended in any courts of law or equity of this State; and shall have power to construct a clay turnpike or McAdamized road from the town of Rising-sun, in Ohio county, through Versailles to Napoleon in Ripley Co., and appoint agents and servants, and have all the power in constructing, using, and directing the construction, and using said road as is hereinafter provided; and have all the powers given in the first section of this act, to the president and directors of the Vevay and Napoleon Turnpike Company.

SEC. 2. That the twenty-third section be so amended as to require only two hundred shares to be subscribed under said section, before incorporation.

SEC. 3. That so much of the thirty-fourth section which requires the commencement within five years, be extended to five years from this time.

SEC. 4. That the said company shall have the power to lay said road along and upon any county road, and so soon as said turnpike road is made as good as said county road, said county road shall be vacated, and the supervisors, through whose district said turnpike

runs, may work a portion of the road work on the same so long as such road is continued a clay turnpike.

SEC. 5. That all moneys heretofore expended on said road may be considered and taken as so much stock in said company.

SEC. 6. That the said corporation shall have the power to sue for and collect any moneys heretofore donated to said road.

SEC. 7. All laws and parts of laws coming in conflict with this amendment, be and the same are hereby repealed.

## CHAPTER XXX.

An Act to incorporate the German Evangelical Church in Indianapolis.

[APPROVED JANUARY 15, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Henry Rushaupt, Christian Stortting, Anton F. Vorght, and Coonrod Grien, and those who are or hereafter may become associated with them in a church or congregational capacity, with a view to religious and moral instruction, and their successors, be and they are hereby constituted and created a body politic and corporate, with power to make and use a common seal, hold by purchase or otherwise real estate, not exceeding in value twenty thousand dollars, and personal estate of the value of five thousand dollars, and no more.

SEC. 2. The said persons, above named, shall be the first board of trustees for the government of said corporation, and shall continue such until displaced by their successors; but all who may unite with them and be received by the individuals composing said corporation as members thereof, in all times, may, on the first Monday in May, in any year choose and instal a new set of trustees, who shall thenceforth supersede their predecessors.

SEC. 3. The said corporation shall be known by the name of the "Union Evangelical Church or Lutheran and German Reform Church in Indianapolis;" and the object of its creation is the furtherance of moral, religious, and intellectual culture; and it shall have power to provide for and sustain the same, but not any other or further power whatever. Said corporation may employ for the purpose aforesaid, such Divines and Teachers for instruction in religion, literature, and the arts as may seem to them good; but shall never engage in trade, merchandising, banking, or brokerage, or other commercial enterprise.



SEC. 4. That this act may at any time be amended or repealed at the pleasure of the legislature.

SEC. 5. This act to be in force from and after its passage.

## CHAPTER XXXI.

An Act to incorporate the first regular Baptist Church of Lafayette, in Tippecanoe county, Indiana.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Albert Bartholomew, John L. Pifer, Edgar M. Burt, Allen Loyd, and William Woodworth, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of "The Trustees of the first regular Baptist church of Lafayette;" and by said corporate name may sue and be sued, plead and be impleaded in any court of this State, and by that name have perpetual succession, and they shall in law, in said corporate name, be capable of purchasing and holding, bargaining and selling any property either real or personal, for the use of said church, whether by legal or equitable title, not to exceed in value twenty thousand dollars.

SEC. 2. They shall further be empowered to receive all and singular, any subscriptions, gifts, grants, donations and bequests, designed for the benefit of said church, which shall be held and solely applied to the use and benefit of said church, in the manner which said trustees shall deem most judicious and expedient.

SEC. 3. It shall be lawful for such trustees to hold meetings at such places and at such times, and as often at it may suit them, or as their business may require, to sit on adjournments, on the call of the proper officer, or one of their body; and to elect or appoint such officers and establish such rules or by-laws for their government as they, or a majority of them may see fit: *Provided, however*, that such rules or by-laws, shall not be incompatible with the constitution or laws of this State or of the United States.

SEC. 4. It shall be lawful for the members of said church to perpetuate this board of trustees, by annual appointment, or in any way they may think proper, and also to fill vacancies which may in any way occur; and the trustees at any time chosen, shall hold their office for one year, and until their successors are chosen or appointed; they shall also keep a record of their proceedings, which shall be open to the inspection of all persons concerned.

SEC. 5. The acts and doings of the present trustees of said church, are hereby declared valid in law, to all intents and purposes,

in the same manner as they would have been, had they fully complied with the Statute in such cases made and provided; and all property now held by said church, either by legal or equitable title, or designed for the benefit thereof, whether acquired by purchase, subscription, gift, bequest, or donation, is hereby vested in the board of trustees, herein created, and their successors, for the benefit of said church, the same as though said property had been acquired under the provisions of this act.

SEC. 6. This act to take effect from and after its passage, and shall be subject to amendment or repeal, by the legislature at any time.

## CHAPTER XXXII.

An Act to revive an act to incorporate the Lagro and Manchester Turnpike Company.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to incorporate the Lagro and Manchester turnpike company," approved February 15th, 1841, be and the same is hereby re-enacted and revived.

SEC. 2. That the stockholders in the said incorporation shall be individually liable upon all contracts or liabilities made or incurred by said corporation, to the same extent that partners now are by law.

SEC. 3. That the legislature hereby reserves the right to amend, alter, or repeal this act or that to which the same is amendatory.

SEC. 4. This act to take effect and be in force from and after its passage.

## CHAPTER XXXIII.

An Act to incorporate "The Brothers of St. Joseph" at South Bend, St. Joseph county, Indiana.

APPROVED JANUARY, 15, 1844.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Bray, Dela Hoyde, Jeremiah Egan O'Leary, Sam'l Connell, Michael Walshe and such other persons as shall hereaf-



ter associate, for the purpose of instructing youth in the science of letters, the art of mechanism, and that of agriculture, and their successors in office, be and are hereby constituted and declared to be a body corporate and politic, by the name and style of "The Brothers of St. Joseph;" and by that name they shall have perpetual succession, with full power and authority to contract and be contracted with; to acquire, hold, enjoy and transfer any property real or personal, in their corporate capacity; to make, have, and use a common seal, and the same to alter at pleasure; to sue and be sued, to plead and be impleaded in any court of law or equity; to receive and accept of any grant, gift, donation, bequest, or conveyance, by any person, company or corporation, of any property, real or personal, and to hold and enjoy, and dispose of the same, as they may deem best for the promotion of the instruction of youth aforesaid; to elect a superior or president, and all such other officers and agents as they may think necessary for the good order of their own body; to make, ordain, establish and execute such by-laws, rules, and ordinances, not inconsistent with the constitution and laws of the United States or of this State, as they shall deem necessary for their own government; and to do all other acts in pursuance thereof, necessary for the promotion of literature, and the arts and for the prosperity of their own body: *Provided*, it shall not be lawful for said corporation to hold or be the owner of real estate, exclusive of improvements, exceeding in value twenty-five thousand dollars; and if by donation, devise, or otherwise, it should become the legal or equitable owner of real estate of greater value, the same shall be sold by said corporation within two years after such title shall have accrued or become vested therein.

SEC. 2. To diminish the expense of the literary instruction of youth, the said corporation shall adopt a system of manual labor that such youth as desire it, may be exercised therein.

SEC. 3. The legislature reserves to itself the right to revise, or amend, or repeal the provisions of this act of incorporation, at any time.

SEC. 4. This act is declared to be a public act, and the same shall be construed favorably for every beneficial purpose therein intended.

SEC. 5. This act to be in force from and after its publication in the "South Bend Free Press," at the expense of said corporation.

## CHAPTER XXXIV.

An Act to incorporate the University of Notre Dame du Lac at South Bend in St. Joseph county, Indiana.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Edward Frederick Sorin, Francis Lewis Coinlet, Theophilus Jerome Marivault, Francis Gouesse, and their associates and successors in office, be, and are hereby constituted and declared to be a body corporate and politic by the name and style of "The University of Notre Dame du Lac," and by that name they shall have perpetual succession, with full power and authority to confer and grant, or cause to be conferred and granted, such decrees and diplomas in the liberal arts and sciences, and in law and Medicine, as are usually conferred and granted in other universities in the United States: *Provided, however*, that no degrees shall be conferred or diplomas granted, except to students who have acquired the same proficiency in the liberal arts and sciences, and in law and medicine, as is customary in other universities in the United States; to elect a president and all such other officers, professors, instructors, and agents, as they may think necessary for the benefit of said university; to contract and be contracted with; to acquire, hold, enjoy, and transfer property, real or personal, in their corporate capacity; to make, have, and use a common seal, and the same to alter at pleasure; to sue and be sued, to plead and be impleaded, in any court of law or equity; to receive and accept of any grant, gift, donation, bequest, or conveyance, by any person, company, or corporation, of any property, real or personal, and to hold, and enjoy, and dispose of the same, as may by them be deemed best for the interest of said institution; to make, ordain, establish, and execute such by-laws, rules, and ordinances, not inconsistent with the constitution and laws of the United States or of this State, as they shall deem necessary for the welfare of said university; and to do all other acts in pursuance thereof necessary for the promotion of the arts and sciences and the prosperity of said university: *Provided*, it shall not be lawful for said corporation to hold or be the owner of real estate, exclusive of improvements, exceeding in value thirty thousand dollars; and if by donation, devise, or otherwise, it should become the legal or equitable owner of real estate of greater value, the same shall be sold by said corporation within two years after such title shall have accrued or become vested therein.

SEC. 2. The legislature reserves to itself the right to revise, amend, or repeal the provisions of this act of incorporation at any time after two years and a half shall have elapsed: *Provided*, that a repeal of said act shall not operate so as to divest the owners thereof of any property acquired under said act.



SEC. 3. This act is declared to be a public act, and the same shall be construed favorably for every beneficial purpose therein intended.

This act to be in force from and after its publication in the South Bend Free Press at the expense of said corporation.

## CHAPTER XXXV.

An Act to incorporate St. Mary's Seminary in the town of Indianapolis.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Morrison and George H. Dunn, wardens, and George W. Mears, Charles Cox, Jeremiah Foote, William H. Morrison, and Joseph M. Moore, vestrymen of Christ Church, Indianapolis, and their successors in office, composing the vestry of said church, be and they are hereby constituted, ex officio, trustees of St. Mary's Seminary in the said town of Indianapolis, and as such trustees, shall be and are hereby constituted a body corporate and politic by the name and style of "The trustees of St. Mary's Seminary," and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, contract and be contracted with, and may have and use a common seal, and the same change, alter, and renew at pleasure.

SEC. 2. The said trustees, in their corporate name, may purchase or receive by gift, grant, or donation, such books, maps, charts, philosophical and scientific apparatus, and such other personal property as may be necessary and proper, and hold, use, and dispose of the same for the benefit of said seminary; and may also purchase or receive by gift, grant, donation, bequest, or conveyance any real estate, and hold, enjoy, sell, convey, rent, or hire the same at pleasure for the benefit and advantage of said seminary: *Provided, however*, that said institution shall not, at any time, hold real estate to such an amount as that the annual income thereof shall exceed three thousand dollars, nor shall any fund or part of funds of said institution be used for banking purposes; but this prohibition shall not prevent said incorporation from acquiring, holding, or transferring stock in any legally incorporated bank, for the benefit of said seminary.

SEC. 3. The said trustees may elect a treasurer and such other officers as may be necessary, prescribe their duties, and require sufficient bonds for the performance of the same; and shall have power to elect the faculty and teachers of the seminary; to appoint a board of visitors; to form by-laws and regulations as may be

deemed advisable for the good government of said seminary, its teachers and pupils, and the same to put in execution, revoke, repeal, alter, amend, or make anew as to them may seem proper; and to do and perform such other acts, not inconsistent with the laws of this State or of the United States, as they may deem necessary for the purpose of establishing, maintaining, endowing, and conducting said institution for the instruction and education of youth.

SEC. 4. The said trustees shall keep a record of their proceedings and the annual convention of the Protestant Episcopal Church of the Diocese of Indiana, may require a yearly report in writing of the state and condition of the funds and property belonging to the seminary and of the number of students, and may, whenever requested by said trustees, elect one or more members of the board of visitors.

SEC. 5. The legislature may, at any time, alter or amend this charter so as not thereby to violate the objects for which said seminary is hereby established.

This act to take effect and be in force from and after its passage.

## CHAPTER XXXVI.

An Act to exclude certain territory from the incorporation of Michigan City.

[APPROVED JANUARY, 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the north east quarter of section thirty-one, and the west half of the north west quarter of section thirty-two, in township thirty-eight north, of range No. 4 west, be and the same is hereby excluded from the limits and jurisdiction of the incorporation of Michigan City.

SEC. 2. This act shall take effect from and after its passage.

## CHAPTER XXXVII.

An Act to amend an act entitled "An act to incorporate the Lawrenceburgh and Napoleon Turnpike Company," approved Feb. 18, 1840.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said company shall have power to assess and collect a toll off each and every person who may cross the bridge now built across Laughery Creek, on the road leading from Lawrenceburgh to



Napoleon; for every four wheeled carriage, wagon, or other vehicle drawn by one horse or other animal, an amount not exceeding six cents; and for every horse or other animal in addition, not exceeding two cents; for every cart, chaise, two wheeled carriage, or other vehicle, drawn by one horse or other animal, not exceeding five cents; for every additional horse or other animal, not exceeding two and one-half cents; for every coach, chariot, or other four wheeled pleasure carriage, drawn by one horse or other animal, not exceeding six cents; for every additional horse or other animal not exceeding two and one-half cents; for every horse and rider, not exceeding six cents; for every horse, mule, or ass, six months old and upwards, not exceeding two cents; for every hog, sheep, or head of neat cattle, not exceeding one-fourth of one cent. each: *Provided, however*, that all persons going to or returning from mill on horseback, going to or returning from public worship, all ministers of the gospel, and all funeral processions, shall pass said bridge free of toll.

SEC. 2. That Samuel Gookins, of Ripley county, be and he is hereby appointed agent to erect toll gates on said bridge, and collect and receive the tolls on the same; and it shall be the duty of said agent to apply the whole of the proceeds arising from the tolls of said bridge in completing the same, and improving the hill and road in the immediate vicinity of said bridge, and keeping the same in repair.

SEC. 3. That said agent shall be allowed for his services in receiving and expending said money arising from said toll bridge, the sum of one hundred and fifty dollars, which he is hereby authorized to retain out of the moneys so by him received as aforesaid.

SEC. 4. That said agent shall keep a true account, in a book to be kept for that purpose, of all the money by him received and expended on said road and bridge, and report the same every three months to the president and directors of the said Lawrenceburgh and Napoleon Turnpike company; and also to the board of county commissioners of the county of Ripley, whose duty it shall be to cause the same to be entered of record on their minute book.

SEC. 5. If said company shall ever erect any toll gate on said bridge or road, under the charter to which this is an amendment, they shall first pay into the State Treasury, before they shall be entitled to receive tolls, the amount received and expended under the provisions of this act.

SEC. 6. This act to be in force one year from and after its passage.

## CHAPTER XXXVIII.

An Act to repeal an act entitled "An act to amend an act entitled 'An act to incorporate the city of Richmond in Wayne county, Indiana,'" approved February 24, 1840, approved January 27, 1842.

APPROVED JANUARY 15, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to amend an act entitled 'An act to incorporate the city of Richmond, Wayne county, Indiana,'" approved Feb. 24, 1840, approved Jan. 27, 1842, be and the same is hereby repealed.

SEC. 2. This act to be in force from and after its publication in either of the newspapers published in the said city of Richmond.

## CHAPTER XXXIX.

An Act to locate certain State Roads therein named, and for other purposes.

APPROVED JANUARY 15, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Alexander F. Brown be, and he is hereby appointed a commissioner to view, mark, and locate a State Road, as follows: commencing at Renselaer village, in the county of Jasper; running thence on the nearest and best ground to Indian town, in the county of Porter, and thence by Branch's to Valparaiso in Porter county, and Crown Point, in Lake county; and thence from those points respectively, to city West; thence on the best route towards Chicago, to the State line.

SEC. 2. *Be it further enacted*, That Gabriel Swihart of the county of Wabash, be and he is hereby appointed a commissioner to view, mark, and locate a State road as follows, to wit: commencing at Jacob Swihart's saw-mill, on the east line of section twenty, in township thirty, north of range seven east, in \_\_\_\_\_ county, and running thence north on the east line of all the sections lying north of said section twenty, to that point where said line will intersect the road leading from Liberty Mills to Warsaw.

SEC. 3. *Be it further enacted*, That Jesse W. Long of the county of Whitley, be and he is hereby appointed a commissioner to view, mark, and locate a State road, commencing at or near the bridge north of the said Jesse W. Longs', running the nearest and best way to



the foot of the hill at or near the said Long's house; thence south, running with a lane until it strikes the county road running from Dr. Pierces' to the Goshen road at Charles Akins.

SEC. 4. *Be it further enacted*, That Richard Beck of Allen county, Samuel Jones of Huntington county, John Dunn of Grant county, and Ebin Ellis of Madison county, be and they are hereby appointed commissioners to re-locate and mark where, in their opinion, it may be necessary, so much of the State road leading from Fort Wayne, in Allen county, to Indianapolis, as lies between the said town of Fort Wayne and the town of Alexandria, in the county of Madison.

SEC. 5. *Be it further enacted*, That Stephen Fisher of the county of Kosciusko, be and he is hereby appointed a commissioner to view, mark, and locate a State road commencing at or near the quarter post on the section line of section seven, township thirty north, and range seven east; running thence a south-east direction, on the nearest and best ground until it strikes the road leading from Liberty Mills, near Michael Nupes.

SEC. 6. *Be it further enacted*, That the county road commencing at the State road leading from Fort Wayne, in Allen county, to Warsaw, in Kosciusko county, running thence eastwardly through the town of Columbia, in Whitley county, and continuing on in an eastwardly direction until it intersects the Leasburgh State road in section five, township 31 north, range ten east, be and the same is hereby declared a State road.

SEC. 7. That Harlon Harvey and Josephus Burton, of the county of Park, are hereby appointed commissioners to view, mark, and locate a State road, commencing at or near Lusk's mill on Sugar creek in said county of Park; running thence west to Filson's ferry on the Wabash river; thence to intersect the State road leading from Newport to Eugene, in Vermillion county, at a point on said road near Simeon Dickens; and section thirty-six of an act concerning State roads, approved February 13, 1843, is hereby declared a misprint, and repealed.

SEC. 8. *Be it further enacted*, That Anthony Rittenour, Jacob Wood, and Bennett King, be and they are hereby appointed commissioners to mark and locate a State road from Deerfield, in Randolph county, to Granville in Delaware county; commencing at the north-east corner of the farm of George Rittenour, on the south side of the Mississinewa river; thence along the meanders of said river, to the house of Joab Ward; thence through the farm of Israel West; and thence on the nearest and best route to Granville, Delaware county aforesaid.

SEC. 9. That Lewis Baily of Blackford county, be and he is hereby appointed a commissioner to view, mark, and locate a State road commencing at Jefferson street in Hartford, the county seat of the said Blackford county; running thence a North-west direction until it intersects the county road leading north from Hartford to the county line; thence with said road to said county line; thence north

along the section line as near as practicable, to intersect the county road leading from Montpelier to Warren; thence with said road, crossing the Salamony at Daniel Jones', until it intersects the state road leading from Camden to Warren; thence with said road, or as near as reasonable ground can be had, to the aforesaid town of Warren.

SEC. 10. That so much of a road as lies between Newton Stewart, in the county of Orange, and Larkin Lankford's, in the county of Crawford, be and the same is hereby declared a state road.

SEC. 11. That the acts of Kinsey Veach, Amos Critchfield, and James Dellard, commissioners heretofore appointed to view and mark out a road from Newton Stewart, in the county of Orange, to Valleen, by way of Williamsburgh, in said county, be and they are hereby legalized.

SEC. 12. *Be it further enacted*, That the several road supervisors of the county of Hancock, through whose road districts the streams of Big Sugar Creek or Brandywine run, shall, at the time of warning hands to work on the roads, give to each hand the option of working out the amount of his labor and road tax, or either, in clearing out the fallen timber and other obstructions in said streams, under the direction of the proper supervisor.

SEC. 13. Any person who shall wilfully and maliciously create any obstructions to the free passage of the water along either of said streams in the county of Hancock, by felling timber into the same, on complaint made, and conviction thereof before any justice of the peace of said county, he shall be required to pay any sum not exceeding five dollars, to the proper supervisor, to be expended in removing obstructions from said streams or either of them.

SEC. 14. That Benjamin Kersey, Albert Randolph, and James Thornbury, of the county of Boone, be and they are hereby appointed commissioners to view, mark, and relocate that part of the state road leading from Indianapolis to Lafayette, which lies between the following points, to-wit: commencing at the section line between sections number thirty and thirty-one, in township number twenty north, of range number one west, in the county of Boone; thence east with said line to the bank or bluff of Spring Creek; thence a south east direction until it intersects the Frankfort state road; thence south with said road until it intersects the Indianapolis and Lafayette state road.

The said commissioners are hereby required to examine said road as located by Absalom Bowen, Elisha P. Shannon, and Adam Kerns, commissioners appointed by an act concerning state roads, approved February 13th, 1843; also to examine the aforesaid state road where located previous to said location and alteration by said Bowen, Shannon, and Kerns. The said commissioners appointed by this act, after examining the old and present location of said road, shall have power to locate said road where they think will best subserve the public interest; and it shall be the duty of the supervisor of said road district to open and work said road, when located.



SEC. 15. That that part of the Bowling Green and Rockville state road, which runs through the county of Vigo, in township thirteen north, of range seven west, in section five, is hereby declared a state road; and it is hereby declared the duty of the clerk of the Vigo circuit court, to have the same placed under the care of supervisors, and have the same opened and kept in repair as other state roads.

SEC. 16. It shall be the duty of the commissioners appointed by the provisions of this act, to meet at some proper place in their respective districts as they may agree, on or before the first Monday in June next, or as soon thereafter as shall be convenient; and after having been duly qualified by oath or affirmation to faithfully and impartially discharge the duties assigned them as such commissioner or commissioners shall then proceed to view, mark, and locate the road for which he or they may have been appointed commissioner or commissioners as aforesaid.

SEC. 17. That in case any commissioner or commissioners appointed as aforesaid, shall die, resign, or refuse to act, then it shall be the duty of the board of county commissioners, or the board doing county business in such county where such death, resignation, or refusal to act shall have taken place, to appoint some suitable person or persons to fill such vacancy or vacancies occasioned as aforesaid; and the person or persons so appointed shall, in all respects, be governed as herein prescribed.

SEC. 18. The commissioners appointed by the provisions of this act, shall each receive the sum of one dollar for every day they may be necessarily employed in locating said roads, to be allowed by the board doing county business, in the proper county, in proportion to the distance which the said road runs through each and every county, to be paid by the county treasurers of the respective counties, out of any money in said treasurers' [hands] not otherwise appropriated.

SEC. 19. That the commissioner or commissioners appointed as aforesaid, are hereby empowered to employ a surveyor, chainmen, and markers, should he or they deem it expedient, who shall each receive and be paid a reasonable compensation for their respective services, to be allowed and paid in the same manner as provided for the payment of commissioners in the preceding section.

SEC. 20. That it shall be the duty of said commissioner or commissioners, or a majority of them, to make his or their report of his or their proceedings, within thirty days after the location of any state road hereby authorized, and cause the same to be filed with the auditors of the several counties through which the said road shall have been located; and it shall be the duty of said county auditor or clerk of the circuit court in any county in which there is no county auditor, to record the same in a book of the board doing county business; and such roads shall be opened and kept in repair agreeably to the laws now in force concerning opening roads and highways.

This act to take effect and be in force from and after its passage.

## CHAPTER XL.

An Act to change a state road in Daviess county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Quigly, of the county of Daviess, be and he is hereby appointed a commissioner to view, mark, and locate a state road in Daviess county, beginning at the south west corner of the north east quarter of section No. nine, in township three north, of range No. five west; thence by way of St. Mary's Church, to intersect, at some convenient point, the road in Martin county which was viewed and located by an act of the last legislature from Washington to Orleans in Orange county, by Doherty's Shoals in Martin county.

SEC. 2. That the said commissioner shall proceed to the discharge of his duties on the first Saturday in June next, or on some subsequent day, and shall be governed in all respects by the laws now in force respecting state roads.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER XLI.

An Act providing for the location of a state road in the counties of Noble and Lagrange.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Haverland, Charles Doty, and Philo Taylor, of Lagrange county, be and they are hereby appointed commissioners to view, mark, and locate a state road, commencing on the range line between nine and ten on the road leading from Benton in Elkhart county, to Pleasant Lake in Steuben county; from thence, on the nearest and best route, to the county seat of Lagrange county.

SEC. 2. This act to be in force from and after its passage.



## CHAPTER XLII.

An Act relating to road labor in the town of Spartansburgh in the county of Randolph.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons liable to work on the public highways, residing within the corporate limits of the town of Spartansburgh, in the county of Randolph, shall be subject to perform such labor in any part of the road district in which such person may reside, under the direction of the proper supervisor of such district.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER XLIII.

An Act to establish a state road in Miami county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Mowbray and John Low, be and they are hereby appointed commissioners to view, locate, and mark a state road, commencing at Puterbaugh Mill, in Cass county, east of the Wabash river; thence by or through the farm now occupied by William Clark; thence on the nearest and best ground until it intersects the state road leading from Logansport to Peru, at the bridge immediately below W. M. Reyburn's; thence on said road to Peru.

SEC. 2. Said commissioners shall proceed to discharge the duties required by this act, and make report thereof to the commissioners of Miami county at their September term, 1844.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER XLIV.

An Act to repeal an act therein named.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to repeal an act therein named relative to a state road in Delaware county, approved February 15th, 1841," be and the same is hereby repealed.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER XLV.

An Act to locate a State Road in Sullivan county.

APPROVED JANUARY 13, 1844.

WHEREAS, it has been represented to this General Assembly that a portion of the State road from Carlisle, in Sullivan county, to Terre Haute, in Vigo county, known as the north road, is not a matter of record; for remedy whereof

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Snyder and Thomas Robins, be and they are hereby appointed commissioners to mark and locate said State road as follows, to wit: beginning in John Snyder's lane in said county of Sullivan, opposite said Snyder's gates; thence towards Carlisle with said State road to the elbow in Richard Davidson's post and railing fence, nearly opposite Richard Whipple's tan house; thence square across said Whipple's field till they arrive at a point directly opposite the end of Ledgerwood street; thence in a direct line with said street to the public square in Carlisle, in said county of Sullivan.

SEC. 2. The commissioners shall meet at the house of John Snyder aforesaid, on the first day of March next, or as soon thereafter as may be practicable, and proceed to discharge their duty according to the provisions of the first section of this act.

SEC. 3. The said commissioners shall file in the office of the auditor of said county a report of their doings in the premises, and the board of commissioners of the county of Sullivan are hereby authorized to make such allowance to the commissioners appointed under this act as to said board may appear just and reasonable.

SEC. 4. This act to take effect and be in force from and after its passage.



## CHAPTER XLVI.

An Act relative to a certain State Road in the county of Elkhart.

[APPROVED DECEMBER 28, 1843.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Sylvester Webster, James Frier, and James R. McCord, be and they are hereby appointed commissioners to examine the location of a State road leading from Mishawaka, in the county of St. Joseph, to the Michigan State line in the direction of Mottville, so far as the said road passes through the county of Elkhart, and if they deem said road useless to the public and oppressive to the citizens through whose lands it passes, they may vacate or alter the same in such manner as will best promote the public interest; but if said commissioners shall be of opinion that said road, as now located, is necessary and useful, they shall report that fact to the board of county commissioners of the county of Elkhart, whose duty it shall be to issue an order for opening the same.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER XLVII.

An Act to repeal an act entitled "An act to amend an act relating to public roads and highways," approved Feb. 17, 1838, approved Jan'y. 29, 1842.

[APPROVED JANUARY 12, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the above recited act, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER XLVIII.

An Act to legalize the proceedings of the commissioner of the Indianapolis and Lafayette state road.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of James McFarland, commissioner of the Indianapolis and Lafayette state road, be and the same are hereby legalized.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER XLIX.

An Act providing for the location of a state road in the counties of Steuben and DeKalb.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That William B. Dunn of Lagrange Co., and Peter McKinley, and Jeptha Wright of Steuben county, be and they are hereby appointed commissioners to locate a state road, commencing at the school house on the south side of Jackson's prairie, in Steuben county; from thence running in a southerly direction on the quarter section line as near as the ground will admit, to the south line of Steuben county, and from thence on the nearest and best route to intersect the Lima and Fort Wayne state road near the south-west corner of DeKalb county.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER L.

An Act to vacate a part of a state road in Noble and Lagrange counties.

[APPROVED JANUARY 15, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the state road leading from Northport, in Noble



county to the Union Mills, in Lagrange county, as passes through sections five, six, and seven, in township thirty-six, range eleven, be and the same is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER LI.

An Act to locate a state road in Sullivan and Greene counties.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Brown of Sullivan county, and Aquilla Price of Greene county, be and they are hereby appointed commissioners to view, mark, and locate a state road from the town of Sullivan, in Sullivan county, to Bloomfield, in Greene county.

SEC. 2. The commissioners aforesaid, shall meet at the town of Sullivan, on the first Monday in March next, or as soon thereafter as practicable, and proceed to locate said state road; beginning at the town of Sullivan, from thence to Hambleton's boat yard on Busrun creek, in said county of Sullivan; from thence to Bloomfield in Greene county, on the nearest and best route, keeping in view, ease of construction, and if practicable, to connect the contemplated state road with the road from Carlisle to Bloomfield, at or near Linton, in the county of Greene.

SEC. 3. *Be it further enacted*, That if it should be found advisable to connect the contemplated road with the aforesaid road from Carlisle in Sullivan county to Bloomfield in Greene county, then and in that case said junction shall be considered the termination of said state road, from the town of Sullivan, in Sullivan county, to Bloomfield in Greene county.

SEC. 4. That the commissioners aforesaid, after having discharged the duties assigned them, shall make a report to the respective county boards, the action of said commissioners in the premises, that is to say, said Price of Greene county, to the board doing county business for the county of Greene, and Samuel Brown, in like manner, to the board doing business for the county of Sullivan.

SEC. 5. That the boards doing county business for the counties aforesaid, shall allow such sums to the aforesaid commissioners as to them shall seem just and reasonable for the services of said commissioners, in the respective counties aforesaid.

SEC. 6. This act to take effect and be in force from and after its passage.

## CHAPTER LII.

An Act to establish a state road from Crown Point, in the county of Lake, to Michigan city, in the county of Laporte

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry Wells of the county of Lake, and Jesse Morgan of the county of Porter, and Elias Taylor of the county of Laporte, are hereby appointed commissioners to view, mark, and locate a state road from Crown Point, in the county of Lake, by the way of Gosset's mill, in the county of Porter, to Michigan city, in the county of Laporte.

SEC. 2. Said commissioners, or any two of them, shall, on the first Monday of May next, or some subsequent day to be by them agreed upon, and after taking an oath faithfully to discharge their duties, shall proceed to view, mark, and locate the aforesaid road, and shall, within thirty days after said location, file a report of their proceedings in the several clerk's offices of the counties through which said road passes, which report shall be recorded in the record books of the boards doing county business in said counties.

SEC. 3. It shall be the duty of the boards doing county business in said counties, at their first term after the filing of said report, to cause said road to be opened in the same way that now is, or may hereafter be provided by law, for opening and repairing roads and highways.

SEC. 4. It is hereby made the duty of the boards doing county business in the counties through which said road passes, to allow said commissioners one dollar and fifty cents each per day, for their services, and such reasonable allowance for surveyors and other assistants, as they may think just and reasonable, which sums shall be paid out of the county treasuries of said counties, in proportion to the length of said road in each county.

SEC. 5. This act to be in force from and after its passage.

## CHAPTER LIII.

An Act to legalize the records of roads and highways in the county of Clay.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all roads and highways heretofore located in the county of Clay, which has been duly recorded by the township clerk of the proper township through which the same passes, be and the same are hereby legalized.

SEC. 2. The said township record shall be as legal and valid, to all in-



tents and purposes, as if the same had been recorded in the records of the county of Clay.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER LIV.

An Act to locate a state road in the county of Allen

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Samuel Sowers, John B. Griffith, of Allen county, and Robert Work, of DeKalb county, be and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at or near the north-west corner of section number seventeen, township number thirty-two north, of range number twelve east; thence east on the section line 160 rods; thence northwardly to the new log house of M. P. Montgomery, in section eight in said township; thence east along the road leading to Shryoch's mill, to the east line of said section, and to the north-west corner of the large field of Joseph Jones; thence nearly north on the nearest route and best ground to intersect the Fort Wayne and Cold Water state road at the north line of Allen county.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER LV.

An Act to vacate a certain state road therein named.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all that part of a certain state road commencing at the east line of Whitley county and ending at Leesburgh, Kosciusko county, as lies between an angle stake on said, on the lands of John H. Alexander in section thirty-three, township thirty-two, north of range nine east, and the Noble county line, be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER LVI.

An Act to locate a state road in the county of Daviess.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Dillon, David Ledgerwood, and Abram Perkins, of the county of Daviess, be and they are hereby appointed commissioners to view, mark, and locate a state road, commencing on the road leading from Washington to Bloomfield, at Esquire Masting's, in Daviess county, *via*, of Clark's prairie, Wm. Killon's, s'n., Yount's Mill, Amos Townsend's, Baldwin Howard's, and Blake's old mills, to intersect the Bloomington and Vincennes state road at or near Robert Clark's, in Daviess county.

SEC. 2. Said commissioners, or a majority of them, shall meet at Esq'r Masting's place, on the first Monday of March, or some time thereafter, and after being sworn to discharge their duties as such commissioners, shall proceed to locate said road as aforesaid.

SEC. 3. Said commissioners shall, within thirty days after the location of said road, file a report of the same in the auditor's office of said county; and said auditor shall lay said report before the board doing county business in said county; and it shall be the duty of said board to order said road to be opened any width not exceeding forty feet.

SEC. 4. The board doing county business in the county aforesaid, shall make such allowance to said commissioners for their services aforesaid, as may seem just and reasonable.

SEC. 5. This act to take effect and be in force from and after its passage.

## CHAPTER LVII.

An Act to vacate and change a certain part of a state road in the counties of Clay and Owen.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the state road recently located from Spencer, in Owen county, to Poland, in Clay county, and to Manhattan in Putnam county, as is situate between the farm of Philip Nelson, in Owen county, and Poland, in Clay county, be and the same is hereby vacated.

SEC. 2. *Be it further enacted,* That so much of the county road leading from Spencer, in Owen county, to Poland, in Clay county, and to Manhattan, in Putnam county, as is situate and being between the farm of Philip Nelson, in Owen county, and Poland in Clay county, be and the same is here-



by declared a state road; and it shall be the duty of the several supervisors of roads, to take charge of so much of said road as is situate in their respective districts; and cause the same to be opened and kept in good repair, agreeably to the laws now in force, concerning the opening and repairing roads and highways in this State.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER LVIII.

An Act to locate a state road.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Richard Fausher, of the county of Lake, be and he is hereby appointed a commissioner to lay out and mark a state road from the road near Spatter Dock Lake, in Porter county, on the best ground and shortest route, to the house of Benjamin Wilkinson in the county of Lake.

SEC. 2. Said commissioner shall make a correct description of said road, and file the same in the office of the auditor of Porter county and of Lake county; and shall be entitled to the sum of one dollar per day for his services, to be paid by the counties of Lake and Porter, in proportion to the distance said road runs in each county.

SEC. 3. Said commissioner shall have power to employ a surveyor and markers, who shall receive a reasonable compensation for their services, to be paid in the same manner as is provided in the second section of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER LIX.

An Act to change a certain part of a state road in Clay county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William McBride of Clay county, be and he is here-

by appointed a commissioner to view, mark, and relocate a certain part of the Rockville and Bowling Green state road, commencing at the mouth of the lane south of Nathan Cumpton's farm, at the middle line of section twenty-two; thence southward through section twenty seven, so as to intersect the present location of said state road, at or near Jonathan S. Murphie's north line.

SEC. 2. The said commissioner shall appear at the house of John S. Yocum, Esq., on the first Monday in March next, or as soon thereafter as may suit his convenience, and after taking an oath or affirmation faithfully to discharge the duties assigned him by this act, shall proceed to view, mark, and relocate said road between the points mentioned in the first section of this act.

SEC. 3. That said commissioner shall make report of said relocation to the board doing county business in said county at their first meeting thereafter; and it shall be the duty of said board to order the same to be recorded as other roads and highways, and place the same under the care of the proper supervisors, whose duty it shall be to open and keep the same in good repair; and so soon as said relocation is made and reported, the board doing county business in said county, shall vacate so much of the present location as is situate between the points mentioned in the first section of this act: *Provided, however*, that if the commissioner appointed by the first section of this act, shall neglect, fail, or refuse to discharge the duties enjoined on him by the provisions of this act, then the board doing county business shall appoint some suitable person in his place, who shall make said relocation and report, and be governed, in all things by the provisions of this act.

SEC. 4. That the board doing county business in the county of Clay, shall make such allowance to said commissioner for his services as they shall deem just and reasonable.

SEC. 5. This act to take effect and be in force from and after its passage.

## CHAPTER LX.

An Act to change a certain state road therein named.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elijah Cottingham be and he is hereby authorized to change the state road leading from Strawtown in Hamilton county, to Peru in Miami county, where the said road runs through Hamilton county; said change to be made between the following points and run in the following direction, to-wit: leaving the said road about



three miles north of Strawtown, on section twenty-one; thence north ten degrees west, one hundred and ten rods; thence north fifteen degrees west, sixty rods; thence north fourteen degrees east, forty-four rods; thence north twenty degrees west, seventy-five rods; thence north thirty-four degrees west, ninety-six rods; thence north nineteen degrees west, twelve rods; thence north nine degrees west, fifteen rods; thence north sixty-six rods; thence north fifteen degrees west, ninety rods; thence north thirty-four degrees west, twenty-two rods; thence north fifty-seven degrees west, one hundred and thirty rods, where it intersects the present road again.

SEC. 2. The old road between the above mentioned points shall not be vacated until satisfactory report shall be made to the board doing county business for the county of Hamilton, that the new road is opened as convenient for transportation and travelling as the old road is at this time.

## CHAPTER LXI.

An Act creating a change in a state road therein named.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John W. Odell of the county of Tippecanoe, is hereby appointed commissioner to view, mark, and locate a change in a part of a state road leading from Independence in Warren county, to Crawfordsville in Montgomery county, commencing at the middle line of section sixteen, township twenty-one north, of range six west; running thence east to the west line of Tippecanoe county; thence south with said county line to the Longloy Reserve; thence east with the Reserve line to the north east corner of said Reserve; thence south to the south east corner of the Reserve; thence with the county road leading to Pleasant Hill, to the half mile stake in the line dividing sections twenty-six and twenty-seven, township twenty-one north, of range six west; thence an eastwardly course to the ten mile stake in said state road.

SEC. 2. That all that part of said state road lying between the middle line of section sixteen, township twenty-one north, of range six west, and the ten mile stake in said state road, be and the same is hereby vacated.

SEC. 3. That said commissioner, after being duly sworn faithfully to discharge his duty, shall proceed on the 20th day of June or some subsequent day, to view, mark, and locate said road, and to employ a surveyor and chain-carrier, and such other assistants as may be

necessary, and shall have such compensation for their services as the board doing county business may deem just and right.

SEC. 4. The said commissioner, within sixty days after locating said road, shall make out a report and transmit a copy of the same to the board doing county business in the counties where said road may lie. Said road, when so located, its width shall be governed by the law creating said road.

SEC. 5. That all laws and parts of laws conflicting with this [act], be and the same are hereby repealed.

SEC. 6. This act to take effect from and after its passage.

## CHAPTER LXII.

An Act changing and relocating certain state roads in Delaware county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Aaron Cecil of Delaware county, be and he is hereby appointed a commissioner to locate and mark a state road, beginning at the south-east corner of section number sixteen, in township nineteen, range nine, running west on the line between section number sixteen and section number twenty one, and between section number seventeen and twenty, to the south-east corner of Elias Bower's land; thence north fifty poles on the east line of said Bower's land; thence west to intersect the county road at the east end of James Johnson's land; then running with said road within sixteen poles of the north-west corner of south-west quarter of south-east quarter of section thirteen, in township nineteen, range eight; thence south-west to the south line of the south-east quarter of the north-west quarter of said section; running thence west with said line seven poles; thence in a south-western direction so as to intersect the New Castle and Lafayette state road.

SEC. 2. That the commissioner aforesaid be, and he is hereby appointed to view, mark, and change so much of the Hagerstown and Muncietown state road as lies in Delaware county, so as to run between the farms of Samuel Hutchens and John Kirkpatrick, so as to intersect the state road leading from Richmond to Logansport, so as to intersect the same at the point where the land of Lewis Reese and George Ribble corners.

SEC. 3. That the said commissioner shall, on or before the first day of April 1844, or any subsequent day thereafter, proceed to take an oath before some one authorized to administer the same, for the faithful discharge of his duty as commissioner aforesaid.

SEC. 4. And said commissioner is hereby authorized immediately to proceed, after taking the oath aforesaid, to view, mark, and locate said road; and he is empowered to employ such assistants as may be necessary to locate said road, and he shall, within twenty days after the location of said road,



report his proceedings to the board of commissioners of Delaware county, and it shall be the duty of said board to have said report recorded, and shall order the opening of the said roads so changed or so much thereof as may be changed in Delaware county. The roads so re-located shall be open any width not exceeding sixty feet, and not less than forty feet, and the board of commissioners aforesaid shall make such allowance to said commissioner and his assistants as they may think just.

SEC. 5. This act shall take effect and be in force from and after its passage.

### CHAPTER LXIII.

An Act to vacate a part of a state road in Tippecanoe county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the state road as is laid out from Jefferson to Attica, as lies in township twenty-one north, of range five west, in Tippecanoe county, is hereby declared vacated.

SEC. 2. This act to take effect from and after its passage.

### CHAPTER LXIV.

An Act in relation to a state road in Monroe county, and for other purposes.

APPROVED JANUARY, 15, 1844.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several county boards of this State through which the Bloomington and Salem state road runs, by way of Bayles' old bridge on Salt creek, in Monroe county, to intersect the main Salem road at or near Hilton's store, shall cause the same to be opened and kept in good repair, and cleared of all obstructions immediately after the publication of this act.

SEC. 2. This act to be in force from its publication.

### CHAPTER XLV.

An Act to locate a state road from Gosport in Owen county, to Columbus in Bartholomew county.

[APPROVED JANUARY 15, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Ezekiel Hendrixson of Monroe county, Alfred Hicks of Brown county, and David Hopkins of Bartholomew county, be and they are hereby appointed commissioners to view and locate a state road from Gosport in Owen county, to Columbus in Bartholomew county; they shall first meet on the first Monday in April, 1844, at the house of Joseph Kelley in Georgetown, in Brown county, then and there they shall take an oath for the faithful discharge of their respective duties.

SEC. 2. The said state road shall be located from Gosport to Mrs. Corr's on the county road as now located from and to those points; thence as near as may be on the old county road from that point to Georgetown, in Brown county.

SEC. 3. From Georgetown to Columbus, on the old county road, by way of James Taggart's sr.

SEC. 4. That said commissioners shall proceed immediately after taking said oath to view, mark, and locate said road, and shall make due report of all their doings in the premises, to their respective county boards in each county in which they severally reside; which said several county boards shall immediately thereafter, cause the same to be fully and amply opened thirty-six feet wide in their several counties, and put in good repair for travelling.

SEC. 5. Said commissioners shall be entitled to receive seventy-five cents per day for their services, for each day that they may be engaged necessarily in the discharge of their duty, to be paid out of their respective county treasuries.

SEC. 6. That the said commissioners shall have the right to call upon the county surveyor.



## CHAPTER LXVI.

An Act appointing commissioners to locate a state road from the town of Portland, in Jay county, to Hartford, in Blackford county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Ryan and Amos Collins, of Jay county, and William Crumly of Blackford county, be and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at the town of Portland, in Jay county; thence west to the Salamony river where the Lick creek county road crosses the same, near William Bunker's; thence westwardly to the farm of George C. Whiteman, in Green township, Jay county; thence westwardly until it strikes the Cambridge city and Fort Wayne state road, at or near where the Lick creek county road crosses the same; thence to the north-east corner of section fourteen, township twenty-two north, of range eleven west; thence westwardly on the best ground to Hartford, the county seat of Blackford county; or such other route as the said commissioners shall deem most expedient, having a due regard to distance as well as the goodness of the ground, the expense of construction, also the injury that may be done to individuals.

SEC. 2. The commissioners aforesaid, shall meet at Portland, in Jay county, on the first Monday in May next, or as soon thereafter as may be convenient; and after taking an oath or affirmation faithfully to discharge the duties required by this act, before some person legally authorised to administer such oath or affirmation, proceed to view and locate said road.

SEC. 3. And when the commissioners shall have discharged the duties required by this act, they shall report the same to the boards doing county business in their respective counties, who shall allow the said commissioners seventy-five cents per day, for every day they shall be satisfied they were necessarily employed in the discharge of the duties assigned them, in proportion to the length of said road in the respective counties of Jay and Blackford, and the said boards shall order the said reports of the said commissioners to be recorded in the books kept for that purpose, and after recording shall cause the same to be opened, not exceeding sixty feet in width, and kept in repair as other state roads are in said counties.

SEC. 4. This act to be in force from and after its passage.

## CHAPTER LXVII.

An Act authorizing the location of a State Road in the county of Allen.

APPROVED JANUARY 13, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Andrew Wakefield, Jesse D. Coles, and Wm. Reid, of the Co. of Allen, Ia., are hereby appointed commissioners to open, mark, and locate a state road, beginning at the northern end of the bridge across the Maumee river, near the city of Fort Wayne, and running thence in an eastwardly direction upon the most suitable and convenient route to a point where the same will most conveniently intersect the state road commonly known as the ridge road, in said county.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER LXVIII.

An Act to locate a State Road in Steuben county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Johnson, J. D. Johnson, and James Clark, be and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at the Ohio State line where the turnpike leading from Fort Defiance terminates with the state line, dividing the state of Ohio from the state of Indiana, about forty perches north of the south-east corner of section twenty-one, township thirty-six north, of range fifteen east; thence from that point to Angola.

SEC. 2. Said commissioners, or any two of them, shall meet at the house of Alfred B. Doolittle's, Esq., in Steuben county, on the first Monday of May next, or some subsequent day between that time and the first Monday in July next, and after taking an oath or affirmation to discharge their duties, proceed to locate said road on the nearest and best ground between said points.

SEC. 3. Said commissioners, or a majority of them, shall make out a written report of their actings and doings in the premises to, and at the first meeting of the board of commissioners of the county of Steuben, next after the completion of said location.

SEC. 4. Each of said commissioners shall be allowed one dollar per day for each day spent in locating said road, to be paid out of the treasury of Steuben county.

SEC. 5. This act to take effect from and after its passage.



## CHAPTER LXIX.

An Act declaring a certain road therein named a state road.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a certain road in the county of Wabash, to wit: commencing at the house of Isaac Thomas, in Noble township, in said county; and thence running west upon the present site or as near thereto as the ground will permit, until it intersects the Logansport and Fort Wayne state road in said county, be and the same is hereby declared a state road.

SEC. 2. The board doing county business in the said county of Wabash, are hereby authorized and required to appoint some suitable person as commissioner to view, mark, and locate said road agreeable to the provisions of the first section of this act, at their first meeting after the passage of this act.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER LXX.

An Act to locate a certain state road in Carroll county.

[APPROVED JANUARY, 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William M. Parcell, John Armstrong, and David Wagoner, be and they are hereby appointed commissioners to mark, lay out, and locate a state road as follows, to-wit: commencing on the Delphi and Dayton state road at the corner of sections No. seven and eight, in township No. twenty-three north, of range No. two west, in Carroll county; thence running south on the line dividing sections seventeen and eighteen in the said township, or as near thereto as practicable, three fourths of a mile; thence varying south east one half mile, to the half section line of section twenty, at the corner of Leonard Wolfe's enclosure; thence south on the said half section line, or as near thereto as practicable, until it intersects the Lafayette and New Castle state road, in Clinton county.

SEC. 2. That the said road, when so laid out and marked, shall be recorded according to law, and when so recorded shall be a state road and worked as such.

SEC. 3. That the said commissioners shall be paid a reasonable compensation for their services, by the boards of commissioners of the said counties of Clinton and Carroll, pro rata.

SEC. 4. This act shall be in force from and after its passage.

## CHAPTER LXXI.

An Act to vacate a part of the state road leading from Lawrenceburgh to the mouth of the Great Miami river.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the state road leading from Lawrenceburgh to the mouth of the Great Miami river as lies between the recorded town plat and the lands of William Tate, be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER LXXII.

An Act declaring a certain county road a state road, in the county of Clay.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Francis B. Yocum and William Herrin, of the county of Clay, be and they are hereby appointed commissioners to view, mark, and locate a state road commencing at a point near one mile south of Cloverland, on the Cloverland and Rawleigh's Mill state road, at or near the section line dividing sections seven and eighteen; thence to Poland in said county.

SEC. 2. The commissioners shall meet at the town of Cloverland in said county, on the first Monday in March next, or as soon thereafter as may suit their convenience; and after taking an oath or affirmation faithfully and impartially to discharge the duties assigned them, shall proceed to view, mark, and locate said state road, commencing at the point named in the first section of this act; thence east with the section line until said line leaves the valley; thence up the valley by way of George Pinckley's farm; thence by Thomas Vest's mill; thence to Poland in said county of Clay: *Provided, however*, that the commissioners appointed by this act shall locate said state road on the route of the present county road, unless, in their opinion, the public interest requires a change: *Provided, also*, that the commissioners, in making said location, shall have due regard to the rights of individuals.

SEC. 3. That the commissioners shall, within thirty days after the location of said road, file a report of the same in the clerk's office of



the county of Clay, and the clerk shall lay the same before the board doing county business, at their first session thereafter; and it shall be the duty of said board to order the same to be recorded as other roads and highways, and place the same under the care of the proper supervisors, whose duty it shall be to open and keep the same in good repair.

SEC. 4. That the board doing county business, in Clay county, shall make such allowance to said commissioners for their services, as they shall deem just and reasonable.

SEC. 5. This act to take effect and be in force from and after its passage.

### CHAPTER LXXIII.

An Act to authorize the removal of all obstructions that may be across the Rockport road, in Lawrence and Monroe counties.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proper supervisor on the Rockport road, shall be authorized to warn in and compel, as provided in the general road law, all citizens within his road district, whose duty it shall be to keep in repair, and remove all obstructions on, said road.

SEC. 2. That if there should be no supervisor on said road, that it shall be the duty of the auditors of the counties of Lawrence and Monroe, to appoint supervisors on said road, with a sufficient number of citizens within the road district, to keep it in good repair.

SEC. 3. This act to take effect and be in force from and after its passage.

### CHAPTER LXXIV.

An Act to establish a state road from Little York, in Washington county, to New Providence, in Clark county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Nathaniel H. Dewit and Joel Coombs, of Washing ton

county, and Larkin Packwood, of Clark county, be and they are hereby appointed commissioners to view and mark a state road from Little York, in Washington county, by Alvin Poor's, James Hartly's, and Thomas Williams', in said county, to New Providence, in Clark county.

SEC. 2. The said commissioners shall meet at the town of Little York, on the first Monday in June next, or as soon after as a majority of them may agree on; and after taking an oath faithfully and impartially to discharge the duties required of them by this act, shall proceed to view and mark said road; and shall, within thirty days after the location thereof, cause a report to be filed in each of the auditors' offices of the counties of Washington and Clark; which report shall be recorded by said auditors in the record book of the persons doing county business in the said counties, within ten days after the filing of the same.

It shall be the duty of the courts doing county business, through which said road shall pass, at the first or some subsequent meeting after the location of said road, to lay off said road into districts, and assign to each district all the hands within one mile and a half on each side of the road, for the purpose of opening the same; and to appoint some suitable person as supervisor in said district so laid off, who shall serve as such until his successor is elected and qualified; and to cause the same to be opened any width not exceeding thirty feet, and made agreeably to, and under the several acts that now are, or may hereafter be in force in relation to opening and repairing public roads and highways.

SEC. 3. Should any vacancy happen by death, resignation, or refusal to qualify, of either of the commissioners aforesaid, it shall be the duty of the persons doing county business in which such commissioner or commissioners reside or resides, to fill such vacancy; and the said persons doing county business are hereby authorized to hold a special session for that purpose, if necessary.

SEC. 4. It is hereby made the duty of the persons doing county business in the county of Washington, to allow to each of the aforesaid commissioners living in said county, such compensation as they may deem just, not to exceed one dollar and fifty cents per day, for their services under this act; also, it is hereby made the duty of the board doing county business in the county of Clark, to allow to the commissioner appointed by this act, living in said county, such compensation as they may deem just and reasonable, for his services under this act.

SEC. 5. This act to take effect and be in force from and after its passage.



## CHAPTER LXXV.

An Act to establish the Pleasant Hill and Fulton state road.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Mark Manlove of the county of Tippecanoe, be and he is hereby appointed commissioner to view, mark, and locate a state road, commencing at Pleasant Hill in Montgomery county; thence north with the section line dividing sections fourteen and fifteen, in township No. twenty north, of range six west, keeping the section line, or as near as may be practicable, crossing the south line of Tippecanoe county at the south east corner of section thirty-four, in township No. twenty-one north, of range six west; thence continuing north, with the county road, to the south east corner of Jesse Mahany's land; thence west with said county road, to the south east corner of Mark Manlove's land; thence north, with his line, to the north east corner of the same; thence with the county road, to the mouth of Carter's lane; thence north with said road, to the north east corner of William Taylor's wood pasture, in section thirty-four, township twenty-two north, of range six west; thence the nearest and best way to Fulton, in Fountain county.

SEC. 2. The said commissioner, on the twentieth day of May, or some subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned by this act, shall proceed to view, mark, and locate the aforesaid road; and shall, within thirty days after said location of the same, file a report of his proceedings in the auditors' offices of those counties in which said road is located; which report shall be recorded in the record books of the boards doing county business in said counties: *Provided*, that said commissioner shall employ surveyors, chain carriers, and such other assistance as may be necessary for the purpose of locating said road, who shall receive for their services such compensation as the boards doing county business shall deem just and reasonable.

SEC. 3. That said state road shall not exceed sixty feet, nor be less than forty feet in width; and when said return is recorded, such width shall remain unchanged.

SEC. 4. This act to be in force from and after its passage.

## CHAPTER LXXVI.

An Act declaring a certain road therein named, a state road.

[APPROVED JANUARY 6, 1844.]

*Be it enacted by the General Assembly of the State of Indiana*, That the following county road, to-wit: commencing at a point seventeen chains south of the quarter post, on the east side of section twenty-five, in township number thirty-seven north, range thirteen east; running thence in a south easterly direction, to the line dividing the State of Indiana from the State of Ohio, to a point so as to intersect thereat the Maumee state road, the same being sixty-four feet wide, be and the same is hereby declared to be a state road.

This act to be in force from and after its passage.

## CHAPTER LXXVII.

An Act to declare a certain road therein named a state road.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the road leading from Gosport in Owen county, by the way of Shirley's ferry on White river; thence to William Braydy's, in Monroe county, be and the same is hereby declared to be a state road; and shall be managed in all respects as other state roads are managed.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER LXXVIII.

An Act to change a state road in Sullivan county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the law establishing a state road from Evansville to Terre Haute, be understood and construed to locate that portion of



said road in Sullivan county, lying between the Sullivan and Vigo county line, and H. Riggs', on said road, as follows, to-wit:

SEC. 2. Beginning at the north east corner of section No. ten, in township nine north, of range ten west, in the said county of Sullivan, where the road running a north easterly direction, now strikes the corner of said section; thence a due south course on the line dividing sections Nos. nine and ten, in the above named township, to the top of a sand ridge upon the which the dwelling house of John Gordon now stands, where the road leaves the line running a north-easterly direction; thence on the line dividing the lands of John Gordon aforesaid, and Ludwig Ernest, so that nine feet of said road shall be laid on the land of John Gordon aforesaid; running said nine feet in width the whole length of said Gordon and Ernest's land.

SEC. 3. It shall be the duty of the present supervisor and his successors in office, to open and keep in good order, said road according to the true intent and meaning of this act.

SEC. 4. This act to take effect and be in force from and after its passage.

#### CHAPTER LXXIX.

An Act to locate a state road on the line between the counties of Lagrange, Steuben, Noble and DeKalb.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Bixler and Alonson Whitford, of the county of Noble, be and they are hereby appointed commissioners to view, mark, and locate, a state road, commencing at a point on the line between the counties of DeKalb and Noble, where the state road leading from Fort Wayne to Lima, crosses said line; thence north on said line as near as practicable, to a point on the state road leading from Lima to Defiance.

SEC. 2. The said commissioners shall meet at the house of Asa Brown, in Noble county, on the first Monday of July next, or on any other day that they may agree upon; and, after taking an oath faithfully to discharge the duties assigned them in the first section of this act, they shall proceed to view, mark, and locate said road agreeably to the points mentioned in the foregoing section.

SEC. 3. The said commissioners shall, within thirty days after they have located said road, make report thereof to the county auditors of the counties of Noble and DeKalb, of so much of said road as may be located within said counties of Noble and DeKalb; and to the auditors of Lagrange and Steuben counties, of that part

located within the same; which report the several auditors aforesaid, shall lay before their respective county boards, at their next session thereafter; and said boards shall cause the same to be recorded, and order said road to be opened not less than sixty feet wide.

SEC. 4. The said boards doing county business of the several counties through which said road shall be located, shall make to said commissioners such compensation for their services as they shall deem just and reasonable; the said counties of Noble and DeKalb to pay each one half for the proportion located within said counties, and the balance to be paid equally by the counties of Lagrange and Steuben.

SEC. 5. This act to be in force from and after its publication.

#### CHAPTER LXXX.

An Act to provide for keeping in repair the turnpike road from Lafayette to Crawfordsville.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the supervisors in the counties of Tippecanoe and Montgomery, wherein the turnpike road passes through their respective districts, to call out the hands to work on, and keep in repair the same, as is provided by law for working other roads in this state.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER LXXXI.

An Act to legalize the location of a state road therein named.

[APPROVED JANUARY 15, 1844.]

*Be it enacted by the General Assembly of the State of Indiana*, That the location of a road by John Comstock of Wabash county, under, and by virtue of, the eleventh section of an act entitled "An act appointing commissioners to locate and relocate



state roads therein named," (approved January 31st, 1842,) be and the same is, in every respect, legalized.

This act to be in force from and after its passage.

## CHAPTER LXXXII.

An Act to vacate a part of a certain state road in Putnam county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the state road as is located through section thirty-five, township sixteen, range three west, in the county of Putnam, shall be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER LXXXIII.

An Act to locate a State Road in the county of Lawrence.

APPROVED JANUARY 15, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hugh Hamer, Steer Younger, and Russel Mitchell, of Lawrence county, are hereby appointed commissioners to view, mark, and locate a state road from Lawrenceport, where the Levenworth and Fishing creek state road terminates; thence in the direction of Bloomington, in Monroe county so as to intersect the state road leading from William Logans', in Washington county, to Bloomington in Monroe county.

SEC. 2. That said commissioners shall have power to employ the necessary assistance to mark and locate said road, and it shall be their duty to meet in the town of Lawrenceport, on some day to be agreed upon by said commissioners, or a majority of them, on or before the first of June next, and after taking an oath of office, proceed to view, mark, and locate said road, and report their proceedings to the board doing county business in said county of Lawrence; which said board shall have power to order said road to be opened and kept in repair any width not exceeding forty feet, in the

same manner that other roads and highways now are or hereafter may be required by law in said county of Lawrence.

SEC. 3. The board doing county business in said county are hereby required to make such allowance to said commissioners, surveyor, and chain-carriers, as they shall deem just and reasonable.

SEC. 4. This act to take effect and be in force from and after its passage, and publication in the State Sentinel.

## CHAPTER LXXXIV.

An Act to change a state road in Bartholomew county.

APPROVED JANUARY 15, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the law establishing a state road in Bartholomew county, commonly called the Mock ferry state road, be understood to locate a certain portion of that road as follows, to-wit:

SEC. 2. Beginning at the north line of the sixteenth section, in township ten north, range five east, in said county; thence running north-west to the crossing ford of the south branch [of] Ninevah creek, near Thomas house; thence north to the ford of the north branch of said creek; thence running north on the dividing line of sections eight and nine, so as to intersect the lane dividing the land of Jacob Deming from that of Joseph Drybread, on said line to the mouth of said lane; thence running a north-west course to the south-west corner of the land of Hampton; thence running north to intersect the county road at the south-east corner of the land of James White; thence running forty rods west to intersect the line of said road, as before laid down.

SEC. 3. That Collin McKinney be, and he is hereby appointed a commissioner to locate said road according to the provisions of this act.

SEC. 4. That it shall be the duty of said commissioner, on or before the fifteenth of February next, after having taken an oath faithfully to discharge his duty as such commissioner, to proceed to re-locate said road according to the provisions of this act; and to make due return thereof to the board doing county business in Bartholomew county, whose duty it shall be to cause the said road to be opened accordingly.

SEC. 5. This act to be in force from and after its passage; and it shall be the duty of the Secretary of State to forward a duly certified copy thereof to the office of the clerk of the Bartholomew circuit court.



## CHAPTER LXXXV.

An Act providing for the location of a state road in Randolph and Jay counties.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Levi Hubbard, and David Heaston, of Randolph county, and John W. Hay, of Jay county, or any two of them, shall be commissioners to locate a state road, commencing at Huntsville, in the county of Randolph, running from thence to Macksville; thence on the county road, or as near the same as a proper route may be found, to Fairview, in the county of Randolph; thence north on said county road, to intersect the state road from Muncietown to Camden, by the way of Albany, in Delaware county.

SEC. 2. Said commissioners, or any two of them, shall meet at a place to be by them agreed upon, and at a time to be by them fixed, and proceed to lay out, mark, and locate said road, and make return thereof to the board doing county business in the several counties of Randolph and Jay, on or before the first day of January, 1845.

SEC. 3. The county boards in the counties of Randolph and Jay, are hereby authorized, and it is hereby made their duty, to pay or defray the expenses of locating said road, in proportion to the length said road may run in each of the aforesaid counties.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER LXXXVI.

An Act for the relief of William N. Duzan.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is represented to this General Assembly that William N. Duzan, of the county of Boone, of this state, some time in the month of March, in the year 1843, lost his dwelling house by fire, together with the contents of his house; that among other losses sustained by said fire, he lost the sum of one hundred dollars of Treasury Notes of this state: *And, Whereas,* the State of Indiana can have no wish to profit by the Providential loss of any of its citizens; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Treasurer of State be hereby required, upon satisfactory proof being produced to him of such loss having been sustained, to pay the same out of any moneys in the Treasury, not otherwise appropriated.

SEC. 2. That this act to be in force from and after its passage.

## CHAPTER LXXXVII.

An Act for the relief of Turner Nelson, clerk of Posey county, and his sureties.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is represented to this General Assembly that the said Turner Nelson delivered the tax duplicate of 1839, for the county of Posey, to James F. Wasson as collector for said county, the said Wasson having filed a forged bond: *And, whereas,* it is further made known that the said Wasson is a defaulter to the state for a large amount; to recover which, the state has commenced her action against the said Nelson and his sureties, in the Posey circuit court, which is now pending: *And, whereas,* it is further made known to this General Assembly that the friends of the said Wasson have paid to the said Nelson a large part of the amount for which said Wasson is in default: *And, whereas,* it is believed that said Nelson acted in good faith, and in ignorance of said forgery: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the prosecuting attorney for the fourth judicial circuit, be and he is hereby authorized, with the assent of the said Turner Nelson, and his sureties, who are now sued, to cause a judgment in said suit to be entered against said Turner Nelson and his sureties, defendants in said suit, for the amount so as aforesaid received by said Nelson for and on account of said Wasson, with interest from the time the same was received; which judgment shall be in full satisfaction of the liability of the said Nelson to the state for and on account of said Wasson.

SEC. 2. Before said judgment shall be entered, the said Turner Nelson shall deliver to the said prosecuting attorney a detailed written statement of the amount received by him for and on account of said Wasson, stating from whom the same was received, the time when received, and the amount thereof; which statement shall be verified by the affidavit of said Nelson endorsed thereon; an attested copy of which statement and affidavit, shall be filed by said attorney with the papers in the cause, and the original forwarded, by mail, to the Auditor of State.

SEC. 3. This act shall be in force from and after its passage.



## CHAPTER LXXXVIII.

An Act for the relief of the heirs of Samuel Howard deceased

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor of Marion county shall audit and draw on the treasurer of said county, in favor of the heirs of Samuel Howard, deceased, for the sum of thirteen dollars and eighty cents, the amount of taxes assessed and collected of said Samuel Howard, now deceased, as principal and penalty thereon on the 13th day of February, 1843, for the year 1838, on the south-west quarter of the south-east quarter of section number eleven, township number fifteen, range number two.

SEC. 2. That the amount to be refunded, as in the first section of this act provided, be paid out of, and chargeable to which funds the same was paid.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER LXXXIX.

An Act for the relief of John Law, Lucius H. Scott, Hugh Stewart, Henry V. McCall, James B. McCall, and Mary J. McCall, the heirs and legal representatives of James B. McCall, deceased.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the mortgage deed made and executed on the 31st day of October, A. D. 1838, between John Law, Lucius H. Scott, and James B. McCall, now deceased, of the one part, and the state of Indiana of the other, recorded in the records of Vanderburgh county, November 4th, 1838, be and the same is hereby cancelled; and the said John Law, Lucius H. Scott, and the heirs of said James B. McCall, released by this act from any claim or demand of the state of Indiana to the land and lots therein mortgaged.

SEC. 2. *Be it further enacted,* That the suit now pending in the Knox circuit court for the foreclosure of said mortgage is hereby directed to be dismissed by the attorney prosecuting the same on the part of the state: *Provided,* the said Law, Scott, and the heirs of the said McCall pay all the costs taxed in court, in said cause.

SEC. 3. This act shall not be construed to release the said mortgage, if the state finishes the Central canal, in consideration of which the said mortgage was given.

SEC. 4. This act to take effect and be in force from and after its passage.

## CHAPTER XC.

An Act for the relief of the heirs of Joseph Steinberger.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Hoke, guardian of the minor heirs to the estate of Joseph Steinberger, late of the county of Noble, and now deceased; and William Steinberger, administrator of the estate of the said Joseph Steinberger, be and they are hereby authorized and empowered to make application and sue out a writ of *ad quod damnum* for the benefit of the heirs of the estate of Joseph Steinberger aforesaid, in order to assess the damage, if any has been or may be done on account of the erection of a mill-dam by the said Joseph Steinberger during his lifetime, across one branch of the Elkhart river, on the east half of the south-west quarter of section fifteen, in township thirty-five north, of range nine east, in the county of Noble; which described land, with the improvements, is now the property of the said heirs of the said Joseph Steinberger, deceased.

SEC. 2. That all assessment of damages, and all costs accruing on account of said writ of *ad quod damnum*, shall be paid in equal portions by the heirs of the estate of the said Joseph Steinberger, and the said William Hoke, guardian, and the said William Steinberger, administrator, are hereby authorized to pay such assessment of damages, and the accruing costs, as aforesaid out of the means or funds of the said estate of the said Joseph Steinberger, deceased.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER XCI.

An Act for the relief of Jacob Daringer

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Treasurer of State be and he is hereby authorized to refund out of any money in the treasury belonging to the saline fund, to Jacob Daringer twenty-one dollars and sixty-four cents, which is an amount overpaid by him on interest on said fund.

SEC. 2. This act to be in force from and after its passage.



## CHAPTER XCII.

An Act for the relief of the securities of William Johnson, late collector of Sullivan county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if Joseph W. Briggs, Isaac Beachamp, Peter Johnson, William R. Hadden, William Dixon, and M. E. Nash, will pay or cause to be paid one fourth of two several judgments in the Sullivan county circuit court, one on the relation of Morris Morris, in favor of the State of Indiana, and one in favor of said county of Sullivan, for and on account of the defalcation of William Johnson, as collector of the State and county revenue of said county of Sullivan for the year 1839, on or before the first day of January, 1845, and one fourth of the amount of said judgments annually thereafter, until the whole amount of said judgments be paid, then and in that case the proceedings on said judgments shall be estopped:

SEC. 2. *Provided*, that it shall be the duty of the clerk of the Sullivan circuit court, upon the presentation of the necessary vouchers of said payments aforesaid having been made, to credit said judgments with the amounts so paid.

SEC. 3. *Be it further enacted*, That said securities aforesaid shall be entitled to a credit on said judgments for the amount on the duplicate for the year 1839, that may appear to the county auditor of said county of Sullivan, to have been notoriously bad at the time of said Johnson's defalcation.

SEC. 4. This act to be in force from and after its passage.

## CHAPTER XCIII.

An Act to amend an act entitled "An act for the relief of the securities of John Plasters, school commissioner of Miami county," approved February 2d, 1843,

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall and may be lawful for the school commissioner of Miami county, or any other person appointed by law to take bonds and such security as is contemplated by the act to which this is an amendment, approved February 2d, 1843: *Provided*, that it shall not be required that the lands of the securities be situate in said

county of Miami; but if situate in any other county in the state, the same shall be considered valid by this act.

SEC. 2. All laws coming within the purview of this act, be and the same are hereby repealed. This act to take effect and be in force from and after a certified copy thereof shall be deposited in the clerk's office of Miami county.

## CHAPTER XCIV.

An Act for the relief of the heirs of Melchoir Sooder and James Hayes, late of the county of Dearborn, deceased.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the estate and interest of the State of Indiana, in and to any lands situate in the county of Dearborn, of which Melchoir Sooder, late of said county, died seized, acquired by escheat of the same, is hereby released to, and vested in, such person or persons as would take the same by devise, descent, or in right of dower, if the said deceased, as [and] the person or persons hereby authorized to take, had been native born citizens of the United States.

SEC. 2. *And be it further enacted*, That the sale of the lands of which James Hayes, late of the county of Dearborn and State of Indiana, died seized, situate in said county, made since the death of said Hayes, by his administrators, by order of the Dearborn probate court, be and the same is hereby declared to be as valid, and to vest in the purchaser or purchasers, the same title as if the said James Hayes had been a citizen of the United States, and had died without known heirs in the same; and that all right that the said State of Indiana may have acquired in said land by escheat, be and the same is hereby released to, and vested in such purchaser or purchasers respectively.

SEC. 3. *And be it further enacted*, That all moneys which have been realized or which may be realized from the sale of said lands, or from goods and chattels of which said James Hayes died seized or possessed, be and the same is hereby released to, and vested in, such person or persons as would have taken the said land and the said goods and chattels, by devise, descent, or in right of dower, if the said James Hayes, and the persons hereby authorized to take, had been native born citizens of the United States; and that they shall have the same remedy for recovering the same, as if they and the said James had been native born citizens of the United States.

SEC. 4. This act to take effect and be in force from and after its passage; and shall be published in the State Sentinel.



## CHAPTER XCV.

An Act for the relief of Samuel W. Sprott, against an unjust indictment in the county of DeKalb.

[APPROVED JANUARY 13, 1844.]

WHEREAS, It is represented to this General Assembly, that previous to the first day of May, 1843, Samuel W. Sprott, now, and for three years last past, clerk of the DeKalb circuit court, continued to receive from the board of county commissioners, a compensation for extra services, under the law heretofore authorizing the payment by said board, of the sum of seventy dollars per annum, to said clerk for said services: *And Whereas*, the said board of commissioners, the said clerk, and the officers of said county generally, were not informed of the fact that the law authorizing said allowance, had been repealed by the law creating the office of auditor in each county: *And Whereas*, the said clerk, immediately after ascertaining that said allowances were not authorized by law, refunded and paid into the auditor's office, the identical orders issued upon said allowances, which were afterwards cancelled by the said board:

AND WHEREAS, at the November term of the said DeKalb circuit court, an indictment was procured against the said Samuel W. Sprott, for extortion in the premises:

AND WHEREAS, the prosecution of said indictment to final judgment and execution, would be unjust, and more calculated to minister to the malevolent purposes of private pique and personal rancour than to the promotion of public justice: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the DeKalb circuit court be and the same are hereby authorized and directed to cause a nolle prosequi to be entered upon their records upon said indictment; and that this act shall be and the same is hereby made a perpetual bar to any future prosecution in the premises.

SEC. 2. This act to be in force from and after its passage; and the Secretary of State is hereby directed to forward a certified copy of this act to the clerk's office of said county of DeKalb.

## CHAPTER XCVI.

An Act for the relief of John Sankey, of Vigo county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Ray, Walter Dickerson, sr., and Matthew Grey, be and they are hereby appointed commissioners to assess the damages which John Sankey hath sustained, if any, by the construction of the Cross-cut canal through the west half of the north east quarter of section seventeen, in township eleven north, of range eight west, and that they take into the estimate all manner of injury which the said John Sankey may have sustained by means of the public works on said tract over and above the advantages which will accrue from the completion of said work.

SEC. 2. That after taking an oath faithfully and impartially to discharge the duties assigned them by this act, that said commissioners meet at such time and place as they, or a majority of them, shall agree on, and of which the said Sankey shall have at least ten days' notice, and proceed to examine said land, and to hear such evidence as they may deem necessary and proper, and thereupon make out an award in writing, and transmit the same to the next General Assembly.

SEC. 3. That said commissioners be each allowed one dollar for each day they may be necessarily employed in the discharge of the duties aforesaid, to be audited and paid out of the State Treasury: *Provided, however*, that the said John Sankey shall pay all expenses incurred by said examination, unless there shall be damages assessed.

SEC. 4. This act to take effect and be in force from and after its passage.

## CHAPTER XCVII.

An Act for the relief of Benjamin H. Scott.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all proceedings on a decree in chancery against Benjamin H. Scott, in the Miami circuit court, in a suit brought by the state of Indiana on the relation of Albert Cole to foreclose a mortgage on the west half of section number eighteen, in township twenty seven, range four east, made to secure the payment of surplus revenue, be and the same are hereby stayed for five years from and after the passage of this act: *Provided, however*, that the said Scott shall annually pay the interest on the amount due on said decree as is required by the law regulating the surplus revenue.



SEC. 2. This act to take effect and be in force from and after its passage.

### CHAPTER XCVIII.

An Act for the relief of George Augustus Spilker, of Delaware county.

[APPROVED JANUARY 13, 1844.]

WHEREAS, it has been represented to the General Assembly that in the month of September, A. D. 1842, the board of commissioners of Delaware county granted a license to George Augustus Spilker to vend foreign and domestic groceries and liquors by the small, in said county; the said George A. Spilker having first presented his petition to said board, signed by over twenty four persons residents of the township in which he was licensed, and paid to the county treasurer of said county, the sum of twenty-five dollars, being the amount of his license, for the term of one year from the September term of said commissioners' court in the year aforesaid: *And, whereas*, at the September term of the Delaware circuit court for the year 1843, said George A. Spilker was by the grand jury of said county indicted in forty cases for retailing in said county without a license authorising said retailing within the period aforesaid; which indictments are found upon the supposition that the persons or [a] portion of them signing said petitions were not free-holders, but were house-holders, of said county: For remedy thereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act of the board of county commissioners of Delaware in granting license to George A. Spilker to sell foreign and domestic liquors and groceries by the small in Delaware county, be and the same is hereby legalized and held as effective as if the petition of said George A. Spilker had been signed by twenty-four free-holders of the proper town or township in said county, and it is hereby made the duty of said Delaware circuit court to dismiss all of the indictments now pending therein against said Spilker for retailing within the period that he was so licensed as aforesaid to retail.

SEC. 2. This act shall be considered and construed to be a public act, and shall take effect and be in force from and after its passage.

### CHAPTER XCIX.

An Act for the relief of the borrowers of school funds in township number eight, in Monroe county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor of Monroe county be and he is hereby required to be governed in loaning the school money of said township eight, (8,) in said county, by the provisions of the sixth section of an act entitled "An act authorizing the sale of certain lands therein named, and for other purposes," approved Jan. 1st, 1838.

SEC. 2. That the commissioner of the reserved township of lands in Monroe county be directed to allow all the purchasers of lands in the college section, east and west of the college campus, until the first day of December, 1844, for the payment of back interest or purchase money due on any of the lots of land aforesaid.

SEC. 3. This act to be in force from its passage.

### CHAPTER C.

An Act for the relief of Jason Ham, treasurer of Wayne county.

[APPROVED JANUARY 15, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor of State be and he is hereby authorized to allow, and the treasurer to pay to Jason Ham, of Wayne county, or to his order, the sum of thirty-seven dollars and fifty-one cents, being the amount of state tax over paid by him as treasurer of Wayne county for the year 1841.

SEC. 2. This act to be in force from and after its passage.



## CHAPTER CI.

An Act for the relief of Aquila Rogers, of Monroe county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the agent of the three per cent. fund in Monroe county be directed to pay Aquila Rogers one hundred and nine dollars and eighty-seven cents, out of any moneys that may come into his hands from the three per cent. fund due to Monroe county, for so much money paid out of the three per cent. fund by him as agent, over the real amount in his hands, according to the certificate of the county auditor.

SEC. 2. This act to be in force from its passage.

## CHAPTER CII.

An Act for the relief of Curtis Mallery, treasurer of Hamilton county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Curtis Mallery, treasurer of the county of Hamilton, be allowed the sum of one hundred and fifty-two dollars and forty-six cents, being the amount of loss sustained by him in the year 1841, by the receipt of notes on the banks of Illinois in the discharge of his duty as collector of the state revenue.

## CHAPTER CIII.

An Act for the relief of the heirs and legal representatives of James Shumaker, deceased.

[APPROVED JANUARY 15, 1844.]

WHEREAS, at the August term of the Jackson circuit court, A. D. 1842, one Joshua Moore obtained a judgment on the docket of said court against one James Shumaker, now deceased, in an action of trespass, for the sum of twenty-seven dollars in damages, and sixty-five dollars and forty-three and one-half cents in costs; which trespass was alleged to have been committed by said Shumaker while in the discharge of his duty as a road

supervisor, in said county of Jackson: *And, whereas*, it is doubtful whether, on the trial of said cause, the court and jury were put in possession of all the testimony necessary to a proper understanding of the case: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall and may be lawful for the board doing county business in the county of Jackson, if upon a full investigation of the case they shall be satisfied that said judgment was wrongfully obtained, to make an appropriation out of the treasury of said county equal in amount to said judgment and costs, to be paid to the executors or administrators of said James Shumaker, deceased; to be by them managed and accounted for as other assets of said estate are required to be managed and accounted for by the laws now in force on that subject.

SEC. 2. This act to be in force from and after its publication.

## CHAPTER CIV.

An Act for the relief of the heirs of John Talbott, deceased.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is represented to this General Assembly that John Talbott purchased of the school commissioner of Clay county, sometime in the year 1837, the following lots of land, to-wit: lots numbered two, four, five, and six, in section number sixteen, township number ten north, of range number six west; and that the said Talbott has paid the sum of ninety-seven dollars and thirty-six cents as principal and interest on said lots of land: *And whereas*, it is further represented that the said Talbott has deceased and that all further payments thereon was postponed in 1841, and the lots of land forfeited: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of Clay county be and he is hereby authorized and required to execute to William Talbott and Nancy Ann Talbott, heirs of John Talbott, deceased, the proper deed or deeds of conveyance to the following lots of land lying and being in said county, to-wit: lots number two and five in section number sixteen, in township number ten north, of range six west: *Provided, however*, that no such deed or deeds of conveyance shall be executed until the administrator of the estate of John Talbott, deceased, shall pay over to the school commissioner the sum of three dollars and eighty-nine cents, the balance of the purchase money due on said lots of land.

SEC. 2. This act to take effect and be in force from and after its passage.



## CHAPTER CV.

An Act for the relief of William B. Townsend, of Clay county.

[APPROVED JANUARY 13, 1844.]

WHEREAS, Willam B. Townsend, of Clay county, was elected assessor of said county, at the last August election: *And whereas*, the said Townsend was unable, owing to sickness, to execute his official bond to the board of commissioners of said county at their last December term: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William B. Townsend, of Clay county, be and he is hereby authorized to execute his official bond as assessor of said county to the acceptance of the board doing county business in said county at their next March term, 1844, agreeable to the provisions of the second section of an act authorizing the election of county assessors, approved Feb. 10th, 1841.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CVI.

An Act for the relief of Thomas C. Stewart of Pike county.

[APPROVED JANUARY 13, 1844.]

WHEREAS, it is made known to this General Assembly, that Thomas C. Stewart, of Pike county, late agent of the surplus revenue of said county, whose office expired in the month of November 1840, is in arrear to the State for said fund, and that the State has obtained a judgment against him and his sureties for the same in the circuit court for said county; a part of which said arrearage consists of bonds, notes, and mortgages, taken by said Stewart for loans of said surplus revenue, which said bonds, notes, and mortgages, the successor of said Stewart refused to take, upon pretence that said securities were not sufficient to secure the payment of the money for which they were given: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the treasurer of the county of Pike, be and he is hereby required to receive of the said Thomas C. Stewart, any and all notes, bonds, and mortgages received by him, and taken in accordance with the provisions of the law for the loan of surplus revenue,

and credit the amount of the same on the said judgment against the said Stewart and his sureties: *Provided*, the said Stewart shall produce to the said treasurer the certificate of the board of commissioners of said county, that said notes, bonds, and mortgages were, at the time they were taken, sufficient to secure the payment of the money for which they were given.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER CVII.

An Act for the relief of Henry Ingle.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is represented to this General Assembly that Henry Ingle purchased of the school commissioner, of Clay county, in the year 1837, the following lands, to-wit: lots numbers six, seven, ten, eleven, fourteen, and fifteen, in section number sixteen, township number eleven north, of range number five west, containing two hundred and forty acres: *And, whereas*, the said Ingle is unable, owing to the pressure of the times, to make final payment thereon as required by law: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of Clay county, be and he is hereby authorized and required to execute to Henry Ingle of the aforesaid county, the proper deed of conveyance, for the following lands, lying and being in said county, to-wit: lots numbers six, seven, ten, eleven, fourteen, and fifteen, in section number sixteen, township number eleven north, of range number five west, containing two hundred and forty acres: *Provided, however*, that no such deeds shall be executed until the said Henry Ingle shall close a mortgage on a sufficient quantity of said lands to secure the full amount of the purchase money due on said lands.

SEC. 2. That in order to ascertain the quantity of lands required to secure the sum aforesaid, the trustees of the proper township shall make a valuation thereof according to the laws now in force, and certify the same to the school commissioner aforesaid, who is hereby authorized to receive the same in mortgage, at half the appraised value thereof.

SEC. 3. That the mortgage contemplated in this act, shall be governed in all respects, by the laws now in force regulating mortgages to the school fund.

SEC. 4. This act to take effect and be in force from and after its passage.



## CHAPTER CVIII.

An Act for the relief of the heirs of George Bishop, late of the county of Jay, deceased.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the estate, right, title, interest, claim, or demand which the State of Indiana may have acquired by escheat or otherwise, in any lands, tenements or hereditaments, in said State, of which George Bishop, late of the county of Jay, deceased, died seized or otherwise possessed, be and the same are hereby released, granted, and confirmed to and in such person or persons as would, by the laws of this State, have taken the same by devise or descent, had the said George Bishop been a citizen of the United States.

SEC. 2. All other persons and parties in interest, are hereby declared to stand in the same relation to said decedent and his heirs and legal representatives, in regard to any contract made by said decedent of or concerning said lands, tenements, or hereditaments, as if said decedent, at the time of said contract, had been a citizen or citizens of the United States; and any such contract may be enforced accordingly.

SEC. 3. All suits, informations, or other proceedings instituted or pending in any court of this State, on behalf of said State, under the laws thereof, to seize the said lands, tenements and hereditaments to the use of said State, be and the same are hereby annulled and forever withdrawn.

SEC. 4. This act to take effect and be in force from and after its passage.

## CHAPTER CIX.

An Act for the relief of Abraham Perkins, of Daviess county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county board of Daviess county is hereby authorized (if they shall think it just and right) to allow Abraham Perkins, late collector of said county, to make out and return to said board a second delinquent list of such county tax as remains unpaid and cannot be collected for the years for which he was collector of the state and county revenue in said county of Daviess.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CX.

An Act for the relief of John Houghton, of Marshall county.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is represented to this General Assembly, that the record of county orders, the record of receipts of state and county revenue, and the lists of delinquent lands from the year 1836, to the year 1840, both inclusive, within and for the county of Marshall, were accidentally destroyed by fire in March last: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Houghton be and hereby is released and discharged from any and all liability whatever, for state or county taxes accruing within the county of Marshall, and returned delinquent, for the years 1836, 1837, 1838, 1839, and 1840.

SEC. 2. That the board of commissioners of said county of Marshall, are hereby authorized to make such settlement with the said John Houghton in relation to county orders destroyed by fire as aforesaid, as to them shall seem right and proper; and to discharge and acquit the said John Houghton from all liability in relation thereto.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CXI.

An Act for the relief of James Vawter.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor of State be and he is hereby directed to issue to James Vawter, of Jefferson county, a warrant for the sum of one hundred and thirty dollars; being the amount agreed to be received on account of the destruction, by fire, of two steam boilers which had been hired by said Vawter to Adam Green for the use of the State, which warrant shall be paid by the Agent of State in the same manner as other claims are paid by him out of any moneys derived from the suspended debt; first deducting the amount that may be due from said Vawter to the State, for tolls on the Madison and Indianapolis Railroad previous to letting the same to the Railroad Company.

SEC. 2. This act to be in force from and after its passage.



## CHAPTER CXII.

An Act for the relief of Dowling and Cole, State Printers.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State be and he is hereby directed to pay to Dowling and Cole, State Printers, the sum of one hundred and seventy-two dollars and eighty cents; being the amount improperly deducted from their account for printing, folding, etc., of Journals and Documents for the session commencing December, eighteen hundred and forty-two.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXIII.

An Act for the relief of David D. Weddle, of Brown county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the purchase of David D. Weddle, of Brown county, of the school commissioner of said county, of the north east quarter of the north east quarter of section thirty-four, township No. ten, range two east, be and the same is hereby legalized and confirmed unto the said David D. Weddle, his heirs, and assigns forever, upon his making or causing to be made, full and complete payment for the same to the said school commissioner.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXIV.

An Act for the relief of William P. Andrews, of Rush county.

[APPROVED JANUARY 10, 1844.]

WHEREAS, William P. Andrews of the county of Rush, and State of Indiana, was, on the first Monday in August last, elected assessor of said county for two years: *And, whereas*, the said Andrews, not being fully apprised of the limitation of the law regulating the election of county assessors, failed to give bond within the time prescribed by said law, and consequently forfeited his office: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if the said William P. Andrews shall give bond and security as required by law, on or before the next term of the board doing county business for said county of Rush, then and in that case the same shall be taken and deemed as valid, and secure to the said Andrews the office of county assessor, the same as though said bond had been executed within the time now prescribed by law.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXV.

An Act for the relief of Ann Frankbower, executrix of Robert McCormack, deceased.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is represented to the General Assembly by Ann Frankbower, executrix of Robert McCormack, late of Grant county, deceased, that before entering upon the duties of said office she made proof of the last will and testament of the said Robert McCormack, as required by law, but that the same has never been entered upon record: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of Grant county is hereby authorized and empowered to take proof of, and record the last will and testament of the said Robert McCormack, and that when said will is so proven, it shall be taken to be of the same force and effect as though said will had been duly proven and recorded at or before the issuing of letters testamentary on said estate to the said Ann Frankbower, formerly Ann McCormack aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.



## CHAPTER CXVI.

An Act for the relief of Samuel Rockfeller, in Franklin county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State Agent be and he is hereby authorized to pay Samuel Rockfeller, his heirs, executors, administrators, or assigns, the sum of two hundred dollars for money expended by him, caused by the construction of the White Water canal, to be paid out of the suspended debt: *Provided*, that nothing in this act shall be so construed as to interfere with the provisions of any act now in force relative to laborers and sub-contractors on the Madison and Indianapolis railroad.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXVII.

An Act to correct the plat of the town of Enochsburgh, in Franklin county.

[APPROVED JANUARY 10, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the recorder of town plats and deeds for Franklin county, Indiana, is authorized and directed to correct the plat of the town of Enochsburgh, so that the lots shall number on said plat from one, (1,) to thirteen, (13,) inclusive on the eastern side of the street called Eastern Row, and from fourteen, (14,) to twenty-six, (26,) inclusive upon the western side of said Eastern Row.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXVIII.

An Act to vacate the town of West Point, in Lake county.

APPROVED JANUARY 13, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of West Point, in the county of Lake, be and the same is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CXIX.

An Act to legalize the marriage of Oliver W. Sanger, and Catharine, his wife.

[APPROVED JANUARY 15, 1844.]

WHEREAS, on the fourth day of May, 1837, Oliver W. Sanger was intermarried with Catharine Snyder, the ceremony having been performed by William Shearer, then acting probate judge of Huntington county, Indiana: *And, whereas*, it appears that the said William Shearer was not, at the time, legally authorized to perform the marriage ceremony: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the intermarriage of Oliver W. Sanger with Catharine Snyder, both of Huntington county, Indiana, be and the same is hereby legalized.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CXX.

An Act to vacate the western addition of the town of Palmyra, in the county of Harrison.

[APPROVED JANUARY 13, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the western addition of the town of Palmyra, in the county of Harrison, be and the same is hereby vacated, and the real estate in said western addition, be and the same is hereby declared to be in the same condition in the hands of its proprietor, as it was before the lots thereof were surveyed: *Provided*, that this act be of no force unless all the owners of lots or parts of lots in or immediately adjoining and bounding on said town herein provided to be vacated, shall give their written consent to such vacation.



## CHAPTER CXXI.

An Act to amend an act entitled "An act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the privileges of payment of the debts remaining due from the mortgagers to the Lawrenceburgh and Indianapolis railroad company, in the manner prescribed in the act entitled "An act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company," approved 20th January, 1842, be and the same is hereby extended until the first day of January, 1845, on the following condition: that the said mortgagers asking such delay shall give security to the satisfaction of the Auditor and Treasurer of State for the payment of their respective debts at the time above specified, with all interests due thereon; that if such security is not given within sixty days after the passage of this act, the Treasurer of State shall proceed to sell such delinquent mortgages in the manner and for the payments to be made as in the act to which this is an amendment; provided, this act to be in force from and after its passage.

## CHAPTER CXXII.

An Act to limit the trustees of Evansville to a certain tax.

[APPROVED JANUARY 15, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of trustees of the town of Evansville, Vanderburgh county, shall not be allowed to levy a tax for corporation purposes above twenty cents on each hundred dollars worth of real and personal property.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CXXIII.

An Act to vacate the town plat of the town of Lagrange, in Lagrange county.

APPROVED JANUARY, 13, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town plat of the town of Lagrange, in the county of Lagrange, laid off on the east half of the south-east quarter of section number nineteen, in township thirty-seven north, of range ten east, be and the same is hereby vacated.

## CHAPTER CXXIV.

An Act changing the application of water power at the St. Marys' aqueduct, on the Wabash and Erie canal.

APPROVED JANUARY 13, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the assignee, his heirs, executors, or assigns of the lease heretofore granted by the state to William Rockhill and Samuel Edsall, granting to said Rockhill and Edsall the use of a certain water power at the St. Marys' aqueduct, on the Wabash and Erie canal, be and he is hereby authorized to use the amount or quantity of water to which he is now entitled, under said lease, for any purpose he may think proper: *Provided*, such use of the water does not injure any right, interest, or property of the state, or of any person holding rights under the state, independent of the said lease of Rockhill and Edsall.

SEC. 2. This act shall take effect and be in force from and after its passage.



## CHAPTER CXXV.

An Act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That said city of Madison is hereby divided into three wards, numbered one, two, and three; that ward number one shall embrace all the territory east of Main street, extended in a due line to the north and south limits of said city: that ward number two, shall embrace all the territory lying between said Main street and Poplar lane, extended as aforesaid: that ward number three, shall embrace all the territory lying west of said Poplar lane, extended as aforesaid: each of the aforesaid wards shall be entitled to elect three councilmen, resident voters of said wards.

SEC. 2. That at the annual election in April of each year, there shall be elected, by the qualified voters of said city, a marshal, assessor, and collector, for the term of one year each, and until a successor is elected, and qualified; whose duties and liabilities shall be as hereinafter [heretofore,] provided by the charter to which this is an amendment. The common council is hereby authorized and required to designate some place in each of the aforesaid three wards for holding elections, at the time now provided by said charter, which elections shall, in all things, be governed as elections now required by said charter.

SEC. 3. That all farming and wood lands lying and being on the hill north and east of Madison, is hereby exempt from taxation for city purposes.

SEC. 4. That so much of the fortieth section of said charter as gives to the common council of said city power to diminish or increase, or at any time otherwise alter the number or limits of the wards of said city, be and the same is hereby repealed.

SEC. 5. All laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

SEC. 6. That the corporate authorities of the town of Lawrenceburgh be and are hereby authorized and empowered to levy and collect a special tax for the year 1844, on all real and personal property within said town, not exceeding one half per cent. on its valuation, including improvements; the tax so raised to be expended in repairing the court house, now standing on the public square, in the old town of Lawrenceburgh; and erecting a fire-proof clerk's office, and recorder's office, on said public square.

SEC. 7. This act to be in force from and after its passage, and publication in the Madison Courier and Republican Banner, at the expense of said city

## CHAPTER CXXVI.

An Act to authorize the General Superintendent of the Wabash and Erie canal to correct an error in certificate number 3836, of purchase of Wabash and Erie canal lands.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the General Superintendent of the Wabash and Erie canal is hereby required, on the application of John H. McTaggart, to cancel canal land certificate number 3836, and to credit the amount of principal and interest heretofore paid by said McTaggart on said certificate, on any other certificate of purchase of Wabash and Erie canal lands by the said McTaggart, on which a sufficient balance may be due.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXXVII.

An Act providing for the payment of certain claims due Samuel Myers, Alfred Makepeace, and William Young.

APPROVED JANUARY 15, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the Agent of State to pay the following judgment rendered in the Madison circuit court, at the April term thereof, for the year 1843, against the State of Indiana, for damages done by the location and construction of the Central canal, to Samuel Myers, the sum of three hundred dollars, together with his costs, taxed at twenty-two dollars and seventy-eight cents, together with interest thereon from the rendition of said judgment; and that he pay to Alfred Makepeace the sum of three hundred dollars, the amount of said Makepeace's judgment as aforesaid, and his costs, together with interest on said judgment; and to William Young, the sum of one hundred and fifty dollars, his judgment, and twenty-three dollars and forty-two cents, with his interest thereon; which sums shall be paid out of the first money that said Agent may derive from the suspended debt; that the Agent in paying said claims should not have sufficient funds to discharge said claims in full, he shall then pay the same *pro ratio* between said persons respectively.

SEC. 2. Before said Agent shall pay said judgments, or either of them, or any part thereof, said judgment plaintiffs shall file a transcript of their judgments in the office of said Agent.



SEC. 3. This act to take effect and be in force from and after its passage; *Provided*, that nothing in this act shall be so construed as to interfere with the provisions of any act or acts heretofore passed relative to the late contractors and laborers on the Madison and Indianapolis railroad.

## CHAPTER CXXVIII.

An Act to authorize Stephen Stenbarger to erect a mill-dam across the Mississinewa river.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Stephen Stenbarger, of Wabash county, be and he is hereby authorized to construct a mill-dam across the Mississinewa river at his lands on said river, near what is called the twin springs, in the said county of Wabash: *Provided*, the same shall not exceed five feet in height.

SEC. 2. The said Stephen Stenbarger shall be entitled to all the benefits of the writ of *ad quod damnum*, to condemn the lands necessary for his use to build said mill-dam.

SEC. 3. The said Stephen Stenbarger shall be required to make and construct, in some suitable part of said dam, a slope at least twenty feet wide, to admit the free passage of rafts, flat boats, and other craft.

SEC. 4. This act to be in force from and after its passage.

## CHAPTER CXXIX.

An Act to repeal a certain act therein named.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to repeal certain acts therein named," approved January 28, 1843, relating to Lick creek and Lost river, be and the same is hereby repealed; and the act or acts heretofore on that subject be and the same are hereby repealed, [revived:] *Provided, however*, that nothing in this act shall be so construed as to effect the rights and interests of individual property at the time of the passage of this act.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CXXX.

An Act to change the name of Aaron Dyer Bull, of Franklin county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Aaron Dyer Bull be changed to that of Aaron Dyer; and also, that the names of his wife and children be changed to that of Dyer.

SEC. 2. Nothing contained in the first section of this act shall be so construed as to effect, alter, or annul any contract or act done by said Aaron Dyer while he was known by the name of Aaron Dyer Bull, but the same shall be taken and construed in the same manner as though this act had not passed.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER CXXXI.

An Act changing the name of Henry Howell to Henry Rittenour.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Henry Howell, the adopted son of Anthony Rittenour, of Ward township, in the county of Randolph, Indiana, be and the same is hereby changed to the name of Henry Rittenour, and by the said name he shall be known and recognized, and shall enjoy all the rights and privileges both in law and equity to which in any way he would otherwise be entitled.

SEC. 2. That the said Henry Rittenour is hereby invested "as such adopted son," with all the rights and privileges by descent or otherwise which he would or could enjoy were he the legal offspring of the said Anthony Rittenour.

SEC. 3. This act to be in force from and after its passage.



## CHAPTER CXXXII.

An Act to change the name of Boxley town, in Hamilton county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the town of Boxley, in Hamilton county, shall no more be called Boxley, but shall be called Aberdeen.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXXXIII.

An Act changing the name of the town of Black Hawk, in Shelby county to that of Mount Auburn.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of the village of Black Hawk, in the county of Shelby, Indiana, be and the same is hereby changed to that of Mount Auburn.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXXXIV.

An Act to authorize the Protestant Episcopal Church, in this state, to raise a fund for the support of a Bishop, and to aid itinerant and superannuated ministers, their widows and children.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That George H. Dunn, Abner T. Ellis, Joseph M. Moore, Zebina Gould, and James Morrison, be and they are hereby constituted a body corporate and politic, by the name of "The Trustees of the Protestant Episcopal Church of the Diocese of Indiana;" and by that name shall have perpetual succession, and may purchase and receive any property, real or personal, and have and

hold the same, contract and be contracted with, and sue and be sued as natural persons: *Provided, however,* that the property of said corporation and the funds thereof shall never be applied to any other purpose than the support of a Bishop of said church within said diocese, and to aid itinerant and superannuated ministers of the said church, their widows and children.

SEC. 2. That said trustees shall hold their office until the next ensuing annual convention of the said "Protestant Episcopal Church of the diocese of Indiana," and until their successors in office shall be appointed and qualified, at which time, and at every annual convention thereafter, trustees shall be appointed, pursuant to such rules, by-laws, or canons of the said church as may be in force at the time of such appointment, which, however, shall not be repugnant to the constitution and laws of the state.

SEC. 3. The property or funds of the said corporation shall never be sold, alienated, or otherwise disposed of, unless for the purpose of re-investing the proceeds thereof, or appropriating the same as hereinbefore provided; which the said annual convention may authorize and require them, said trustees, to do, under such rules, limitations, and restrictions as the said convention may adopt: *Provided,* that the property held by said corporation shall never exceed, at any one time, the sum of one hundred thousand dollars.

SEC. 4. Any future legislature shall have power to repeal, alter, or amend this act, but such alteration, amendment, or repeal, shall in no case divest the property, money, or rights acquired under its provisions, nor divert them from the purposes herein expressed.

SEC. 5. This act shall be taken and construed liberally as a general act, and be in force from and after its passage.

## CHAPTER CXXXV.

An Act to change the name of Rachel Will.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Rachel Will, of Hamilton county, Indiana, be and the same is hereby changed to that of Rachel Fryberger, and by said last mentioned name she shall hereafter be known, and be entitled to all the rights and privileges, and subject to all the penalties and liabilities she would have been if this act had not passed.

SEC. 2. This act to take effect and be in force from and after its passage.



## CHAPTER CXXXVI.

An Act to change the name of George R. Selkregg, and others.

[APPROVED JANUARY 12, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of George R. Selkregg, of Laporte county, be and is hereby changed to George R. Selkirk, and that of Emily, his wife, to Emily Selkirk, and those of John, George, jr., James, and Henry, his sons, be and the same are hereby changed to Selkirk, and by said last mentioned name they and each of them shall have power to contract and be contracted with, sue and be sued, and do all lawful things the same as they might or could do by said name of Selkregg.

SEC. 2. Nothing in this act contained, shall be so construed as to effect, alter, or annul any contract or act done, suffered or permitted by the afore-said persons, or either of them while they or either of them were known by said name of Selkregg, but that the same shall be held and taken as if this act had never been passed.

SEC. 3. This act shall take effect and be in force from and after its publication in the Michigan City Gazette.

## CHAPTER CXXXVII.

An Act supplemental to an act entitled "An act to repeal certain acts therein named, relative to Lick creek and Lost river," approved Jan. 13, 1844.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the word "repeal," in the last line of the first section of said act, be deemed and taken as the word "revived."

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CXXXVIII.

An Act to exempt certain lands and tenements therein named from taxation.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the stone and brick building in Harmony, Posey county, known as the Granery, and conveyed to David Dale Owen by Miss Anna McClure, for Philosophical purposes and Geological museum, be exempt from taxation.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CXXXIX.

An Act to certify a certain cause therein named to the supreme court.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is made known to this General Assembly, that the suit in chancery, now pending in the circuit court for Knox county, wherein Hugh W. Evans is complainant and Poultney's trustees and others are defendants, is of great importance to the parties, and others are defendants, is of great importance to the parties, involving property of a large amount: *And, whereas,* the President Judge of said court is disqualified from acting in said cause, having been of counsel for one of the parties before his appointment as judge: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the clerk of said court, within sixty days from the passage of this act, to certify and transmit the papers and proceedings in said cause to the the supreme court, which court shall order said cause to be docketed and tried as other like causes are tried in said court.

SEC. 2. This act shall be in force from and after its passage.



## CHAPTER CXL.

An Act to authorize the issuing of a patent for a part of a lot of canal land.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioner or superintendent of the Wabash and Erie canal east of Lafayette, be and he is hereby authorized and required to receive from Alfred Harrison, assignee of Daniel Johnson and William S. Edsall, the amount of money due and unpaid to the State for the purchase money of sixty acres off the east side of the west half of the south east quarter of section twelve, of township numbered twenty-eight north, of range nine east, at the rate of two dollars and fifty cents per acre, making deduction and allowance for the one fourth thereof heretofore paid thereon, (without reference or regard to the remainder of said lot). And when said purchase money shall be paid, to receipt and issue a final certificate therefor, to the said Alfred Harrison for the same as if the said sixty acres had been sold by the State separately.

SEC. 2. That the the Secretary of State or other officer whose duty it is to issue patents for Wabash and Erie canal lands, east of Tippecanoe, upon the production of such receipt of such commissioner for the payment of such purchase money, be and he is hereby authorized and required to make out, execute, and issue to the said Alfred Harrison, a patent for the said sixty acres of land, or for the whole of said above described lot of land, except twenty acres off the west side thereof, in the same manner as if the said part of said lot had been laid off and separately sold by the State.

SEC. 3. That it shall be lawful for the officers of the State, at any time when required by the owner thereof, to receive the purchase money and issue a patent for the remainder of said lot of land, as if said remainder was a separate lot and had been sold separately.

SEC. 4. This act to be in force from and after its passage.

## CHAPTER CXLI.

An Act permitting a dry dock at Wabash.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the superintendent upon the Wabash and Erie canal, is hereby authorized and directed to permit sufficient water to be

drawn from said canal to construct a dry dock at lot No. 4, in Wabash, Wabash county, at the elbow in the canal at said point; which permission aforesaid shall be to any person owning sufficient ground at said point desirable to be applied to the purpose aforesaid.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER CXLII.

An Act providing for removing obstructions in Buck creek, in Henry county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter each and every person, by law, subject to work on roads and highways, residing, for the time being, within one mile of that part of Buck creek where the same last leaves the prairie in Henry county to the Cumberland road in said county, shall work two days in each year, under the direction of the proper supervisors of roads and highways, through whose districts the said creek may run, for the purpose of removing obstructions from the same.

SEC. 2. It shall be the duty of the supervisors of public roads and highways to perform the duties as contemplated in the first section of this act, under the like penalties as by law provided for failing or refusing to perform similar duties on roads and highways.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CXLIH.

An Act supplemental to an act approved February 10th, 1843, relative to water power at Pittsburgh.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of the superintendent of the Wabash and Erie canal, if he shall deem it for the public interest, to let, by contract, under the provisions of the act to which this is supplemental, the whole of the said race, extending from the north side to the south side of said town, to the donation of land made to



the State by Daniel F. Vandiventer, for purposes of the improvement of water power.

SEC. 2. That the said superintendent shall take releases, measure donations, make contracts, estimate and pay the same, and advertize the letting, in the same manner as is contemplated in the above recited act, and in all things be governed by the same, so far as it is applicable for that purpose.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CXLIV.

An Act to vacate the town of Savannah, in the counties of Rush and Shelby

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Savannah in the counties of Rush and Shelby, be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CXLV.

An Act relative to certain public ground in the town of Wabash, and the use and improvement of the water power at the lock on the Wabash and Erie canal, at said town.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the purchaser or lessee from the State, of the water power at the lock on the Wabash and Erie canal, at the town of Wabash, be and he is hereby authorized and permitted, for the purpose of erecting thereon a mill house, and further to carry out and enjoy the object of the purchase or lease of said water power to enter upon, take possession of, use, and occupy so much of Canal street, in the said town of Wabash, as also so much of a space of public ground in said town, lying west of fractional lot number one, between the Wabash and Erie canal and Canal street, as may lie and be situated within a line commencing at, and running north from, the north side of the tumble at said lock, fifty-eight feet; from thence

west forty-one feet; from thence south to the canal; and from thence east, along the canal, to the tumble or place of beginning.

SEC. 2. *Be it further enacted*, That such purchaser or purchasers, lessee or lessees, may, for the purposes specified in the first section of this act, use and occupy any portion of the south part of Canal street in said town, not exceeding eighteen feet from north to south, nor forty-one feet from east to west, commencing within, and not varying more than ten feet in any direction from, the north east and north west corners of the premises in the first section of this act particularly described; as also so much of the space of public ground in said town west of fractional lot number one as may lie east of a line running from the north west corner of the premises so used and occupied, to the Wabash and Erie canal.

SEC. 3. *Be it further enacted*, That the provisions of this act be particularly extended to Mr. Robert Cissna, of the said town of Wabash; and that the board of internal improvements be authorized and instructed to enter into articles of lease with the said Cissna immediately after the passage of this act.

SEC. 4. This act to be in full force and effect from and after its passage.

## CHAPTER CLXVI.

An Act to legalize the proceedings of the Trustees of the Wolf Creek Baptist Church, in Boone County.

[APPROVED JANUARY 13, 1844.]

WHEREAS, some time in the year of our Lord, one thousand eight hundred and thirty-six, the Wolf creek Regular Baptist Church did elect, of their body, Russel Cox, Er Cox, and Levy Westfall, trustees of said church:

AND WHEREAS, in consequence of the return of said election not being made according to law, the said church are likely to lose two acres of land and their meeting house: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts and deeds of the said Russel Cox, Er Cox, and Levy Westfall, so far as the said church may be concerned, are hereby declared as legal and valid as though the returns of said election had been made according to law.

SEC. 2. This act to be in force from and after its passage.



## CHAPTER CXLVII.

An Act to authorize Job Meredith to build a mill dam across Tippecanoe river.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Job Meredith is hereby authorized to build a mill dam (not exceeding five feet in height) across Tippecanoe river, on the north west quarter of section twenty-two township thirty-one north, range three east.

SEC. 2. That said Job Meredith shall build a flouring mill at said point above named, and that it shall be lawful for him, the said Meredith to build and keep in repair such mill dam across said Tippecanoe river.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER CXLVIII.

An Act in relation to awards.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Agent of State to certify to the Auditor of State the amount and description of all awards against the State which have been entered upon the books in his office according to law, in favor of Daniel B. Klapp and William Klapp, upon which warrants have not heretofore been issued.

SEC. 2. That it shall be the duty of the Auditor of State to issue upon such certificate, when thereunto requested by the person or persons interested therein, drafts upon the Treasurer of State for the amount so certified; which drafts shall be paid from any moneys in the Treasury not otherwise appropriated.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CXLIX.

An Act to vacate an alley in the city of Lafayette, Tippecanoe county, Indiana.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the alley running east and west through Hathaway and Crain's addition to the city of Lafayette, (said alley being twelve feet wide, and lying between Wall and Clark streets in said addition) be and the same is hereby vacated.

SEC. 2. That the land now composing said alley, enure to the owners of the lots adjoining thereto, in the following manner, to-wit: by running a line east and west through the centre of said alley, and all the land or part of said alley lying south of said line, to be added to lots numbered nine, (9) ten, (10) eleven, (11) and twelve, (12) in said addition; and all of said land or alley lying north of said line, to be added to lots numbered one, (1) two, (2) three, (3) four, (4) five (5) six, (6) seven, (7) and eight, (8) in said addition.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CL.

An Act to vacate the town of Northhampton in the county of Harrison.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Northhampton, in Harrison county, be and it is hereby entirely and absolutely vacated.

SEC. 2. This act to take effect and be in force from and after its passage.



## CHAPTER CLJ.

An Act granting certain lands to the board of commissioners of Lake county, to be used for the purpose of a burying ground.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the county of Lake, are hereby authorized to employ the county surveyor of said county of Lake to lay off and mark, by metes and bounds, two acres of land from the north east quarter of section seven, in township number thirty-four north, of range eight west, being canal lands owned by the State of Indiana.

SEC. 2. The county surveyor shall draw a map of said quarter section, and particularly specify on said map the location of the said two acres of land on said quarter section.

SEC. 3. The superintendent of the land office at Delphi, or other office for the sale of said canal land, is hereby authorized and required to grant a certificate to the said board of commissioners for said two acres of land whenever they shall present to the said superintendent, the map of the county surveyor specifying the location of the said two acres of land.

SEC. 4. The said board of commissioners shall not be entitled to said certificate without paying to the said superintendent, the appraised value of said two acres of land, now on file in said office.

SEC. 5. The title to said two acres of land shall be confirmed to the said board of commissioners in the same manner that the titles to canal lands are conveyed to individuals.

SEC. 6. This act to be in force from and after its passage.

## CHAPTER CLII.

An Act to authorize the board doing county business in the county of Perry, to make settlement with John Elder, former surplus revenue agent for said county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the county of Perry, are hereby authorized to make settlement with John Elder, former surplus revenue agent of said county, and to take from said agent and his securities, a bond with such security as shall be ap-

proved of by said board, for the amount that shall appear to be due from said agent to the fund, not exceeding two thousand dollars payable any time within six years; the interest to be paid annually in advance, as now required by law for the payment of interest on loans from said fund.

SEC. 2. That the county auditor, or person having charge of the surplus revenue belonging to said county, shall have power, whenever the safety of the fund requires it, to compel said John Elder and his securities, to give new and additional security, and any failure to give new and additional security when so required, shall subject the bond to be put in suit in the same manner as though it was then due.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER CLIII.

An Act to allow the assessor of the county of Shelby to qualify.

[APPROVED JANUARY 13, 1844.]

WHEREAS, it is represented to this General Assembly, that James M. Baxter, of the county of Shelby, was, on the first Monday of August last, duly elected county assessor for the said county of Shelby, in conformity to an act entitled "An act for the election of county assessor," approved February 10th, 1841: *And whereas,* said James M. Baxter unintentionally omitted filing his bond as such assessor: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That James M. Baxter, assessor elect of the county of Shelby, may, at the next term of the board doing county business for said county, after the passage of this act, give bond and take the oath of office, agreeably to the provisions of the act above referred to; and such proceedings shall have the same force and validity as they could or would have if done at the time specified by the provisions of said act.

SEC. 2. This act to take effect and be in force from and after its passage.



## CHAPTER CLIV.

An Act to repeal an act to authorize the removal of the obstructions to the free passage of the water down Mud creek, and the Mill fork of Eel river, in Morgan county, approved February 10th, 1841.

[APPROVED DECEMBER 28, 1843.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to authorize the removal of the obstructions to the free passage of the water down Mud creek and the Mill fork of Eel river, in Morgan county," approved February 10th, 1841, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CLV.

An Act to authorize the board of commissioners of Lagrange county to sell certain real estate therein named.

[APPROVED JANUARY 12, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the county of Lagrange, be and they are hereby authorized to sell and convey the fee simple of the jail, court house, and public square, in the town of Lima, in such manner and upon such terms as said board may deem for the best interest of said county of Lagrange.

SEC. 2. It shall be the duty of the agent of said county to attend to making sale of said court house, jail, and public square, agreeably to the direction of said board, and shall make all necessary deeds of conveyance to purchasers of the same.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CLVI.

An Act to legalize the sale of certain real estate of the minor heirs of James Whitaker, in the county of Noble.

[APPROVED JANUARY 5, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all orders, decrees, appraisments, and other proceedings had in the Noble county probate court, relating to the sale of the undivided one-fourth part of the south-west quarter of section fourteen, the south-east quarter of section fifteen, the east half of the north-east quarter of section twenty-two, and the north west quarter of section twenty-three, township thirty-four north, of range nine east, in the county of Noble, being the real estate of James Whitaker and Martha Whitaker, minors, heirs at law of James Whitaker, deceased, sold by Thomas Gale, guardian of said minors, to David H. Colerick, be and the same are hereby legalized.

SEC. 2. That the title of said David H. Colerick to the above described lands shall never be impeached on account of any irregularity in the proceedings aforesaid, but the deed of conveyance executed to him in pursuance of the order of said court shall be deemed valid, and is hereby confirmed unto the [said] David H. Colerick, his heirs and assigns.

SEC. 3. This act to be in force from its passage.

## CHAPTER CLVII.

An Act to appoint and authorize the county commissioners to settle with the securities of Samuel Monroe, late school commissioner of Hamilton county.

[APPROVED JANUARY 15, 1844.]

WHEREAS, the late school commissioner of the county of Hamilton has become a defaulter to the school fund of said county in a large amount, and has absconded from the state of Indiana, and has gone to parts unknown: *And, whereas*, said commissioner has left in the possession of some of his securities, persons in said county of Hamilton, a considerable amount of real estate: Therefore,

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county commissioners of the county of Hamilton are hereby authorized and empowered to settle with the securities of Samuel Monroe, late school commissioner of said county, so as to give said securities a credit of five years, in which to pay the amount due from said school commissioner:



*Provided*, said securities will give bond and security to the satisfaction of said commissioners, with interest payable annually, in advance, at the rate provided for by law, on other school funds.

SEC. 2. Whenever said securities shall have given bond and security as provided for in the foregoing section of this act, and have paid all costs which have accrued on any suit or suits now pending against said school commissioner and his securities, then said suit shall be dismissed.

SEC. 3. This act to take effect and be in force from and after its passage.

### CHAPTER CLVIII.

An Act to vacate a certain street in the town of Washington.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of third Cross street, south of South street, which lies between lots number one hundred and twenty-four and one hundred and twenty-five, in that part of Washington formerly called Liverpool, in Daviess county, be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

### CHAPTER CLIX.

An Act in relation to the city of Indianapolis.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is represented to this General Assembly that by reason of a pond, two miles north-east of Indianapolis, the waters of which, in their natural channel, leads through said city, much to the injury of the health of the citizens, and to their property therein, and endangering the banks of the Central canal: *And, whereas*, said branch had been, by public authority, diverted from the old channel, and carried into Fall creek, by a ditch dug at much public expense, besides paying the claims for individual damages; which ditch has been so obstructed as to reinstate the evils complained of: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the city authorities of Indianapolis, are hereby empowered to keep said ditch in proper repair, and to remove all obstructions to the same: *Provided, however*, that all the expenses be paid by the city of Indianapolis.

SEC. 2. *Be it further enacted*, That any person or persons who shall willfully obstruct the free passage of the waters of said ditch or cause the same to be done, shall be fined in any sum not exceeding the sum of one thousand dollars, to be recovered by presentment or indictment in the Marion circuit court.

SEC. 3. That the corporation shall be at the expense of erecting water gates on said ditch at all places where any fences now cross the said ditch.

### CHAPTER CLX.

An Act to vacate a part of the town of Independence, in the county of Warren.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following ground in the town of Independence, be and the same is hereby vacated, viz: beginning at the corner of fractional lot number one, in block number two, on Second street, running thence with said street to the line dividing lots number two and three, in block number one; thence on the line dividing said lots to an alley; thence on the line of said alley to the south-west corner of said lot number three, in said block number one; thence on the line of lot number four, in said block to Water street; thence westwardly with said Water street to Liberty street; thence with the direction of Liberty street, to the Wabash river; thence with the meanders of said river to the line between the lands of Jacob Haynes' and the lands formerly belonging to Zechariah Cicott, as surveyed in dividing the reserve section on which said town is laid out; thence with said line to the place of beginning.

SEC. 2. This act to take effect and be in force from and after its passage.



## CHAPTER CLXI.

An Act to reinstate the records of Noble county.

[APPROVED JANUARY 15, 1844.]

WHEREAS, on the twenty-fifth day of March, one thousand eight hundred and forty-three, a portion of the records of the public offices, in Noble county, were destroyed by fire, among which were the following:

*In the Clerk's office,*

The record of wills, and original wills on file.  
The judgment docket and all the fee dockets of the probate court.  
All Executors', administrators', and guardians' bonds.  
All old papers on file, relative to probate business.  
The execution docket and fee docket of circuit court.  
The records of officers and date of their commissions, &c.  
All official and other bonds which were on file.  
And nearly all old papers pertaining to business disposed of.

*In the Auditor's office,*

All records of business done by the board of commissioners.  
All official, and other bonds on file.  
And every book and paper pertaining to said office.

*In the Treasurer's office,*

Several books and papers, their description unknown: Therefore,

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit court, probate court, and the board of commissioners of said county, are each respectively authorized to reinstate their own records, or to perpetuate the evidence relative thereto, upon the application of any person, or at their own discretion, in the manner hereinafter prescribed.

SEC. 2. That when any person or persons may wish to have any record or writing, so destroyed by fire, reinstated, or have the evidence relative thereto perpetuated, it shall be the duty of such person or persons to give notice thereof, to the opposite party ten days in writing, if a resident of the county, if not, give notice in some newspaper of general circulation in said county for three weeks in succession, at least ten days prior to the first day of the term of the court at which he intends making such application, stating in such notice, that on a certain day of the next term of said court, he will make an application to have a commissioner appointed by such court, for the purpose of reinstating such record or writing, or perpetuating the evidence relative thereto particularly describing such record or writing in said notice.

SEC. 3. That upon satisfactory proof being produced to such court or board of commissioners that the publication has been made agreeable to the second section of this act, it shall be the duty of such court or board of commissioners, before whom such application is made to appoint a commissioner and a time and place, where said commissioner shall proceed to hear the proof and allegations of and concerning the record or writing in said notice mentioned, which may be offered both by the person making such application or any other person who may see proper to offer any rebutting testimony relative thereto, which commissioner shall appear in open court and take an oath to faithfully perform his duties as such commissioner.

SEC. 4. That if any commissioner appointed under the provisions of this act should fail or refuse to qualify for the space of twenty four hours after being notified of his appointment upon application, the court shall revoke his appointment and appoint another in his stead.

SEC. 5. That at the time and place appointed by said courts or boards, it shall be the duty of said commissioner to proceed to hear all such evidence of and concerning the destruction and the contents of the record or writing in said notice mentioned, which notice or a copy thereof shall be by the person making such application delivered to said commissioner and the evidence offered and received before said commissioner shall be by him reduced to writing in the form of a deposition, and after being sworn to and subscribed by each witness, so far as relates to such witnesses' testimony, shall by said commissioner be embodied in a report, which he shall make of his proceedings in the premises, which shall be by him returned to the court or board from whom said commissioner received his appointment, if in session, and if not in session he shall return the same to the clerk's office, together with all other papers relative to said business, and the amount of fees by witnesses and officers claimed and allowed by him, which shall be by such clerk filed in his office.

SEC. 6. That if upon the examination of such testimony said commissioner shall be satisfied that either the original or a copy of the record or writing so attempted to be proved or reinstated, is still in existence he shall have power in that and in all other cases, if required, to issue a subpoena or *subpoena duce tecum*, to procure the attendance of witnesses and the production of such writing or record; and upon such record or writing being produced, or a copy thereof, and the same being proved to the satisfaction of such commissioner, he shall embody a copy of the same in his report, stating in such report whether from the evidence before him the same from which he has taken such copy appeared to be the original or a copy.

SEC. 7. That upon such report being made by the commissioner contemplated in this act, the said report and evidence shall, upon motion of the party interested, be entered upon record, and any and all copies of any record or writing obtained by said commissioner, and the determination of such commissioner in regard to the existence and contents of any such record or writing contemplated to be reinstated or proved, or the evidence relating thereto perpetuated by the provisions of this act, whenever the same shall be entered of record by either of the before mentioned courts, shall have the same force and effect, and be received and read in evidence in the same manner as the original could or would were they still in existence.

SEC. 8. That the commissioners appointed under the provisions of this act shall have the same power as justices' of the peace now have, to attach and punish for contempts, and all processes issued by him shall be directed to the sheriff, and be by him served.



and the total amount of which is not shown by any other record of said office, may be proved and allowed before a master in chancery, in the same manner prescribed in the eighteenth section of this act; and upon the same being allowed and an affidavit filed in the clerk's office as prescribed by said section, said clerk is hereby authorized to issue a fee bill for the gross amount thereof, which shall be collected as in other cases and paid to the person entitled thereto.

SEC. 20. That all excutions heretofore issued by the clerk of said circuit court in cases where the fee books are destroyed, without fee bills being issued therewith, are hereby legalized to all intents and purposes.

SEC. 21. This act to be in force from and after its passage.

## CHAPTER CLXII.

An Act to vacate the town of Otsego, and for other purposes.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Otsego, in the county of Gibson, and now owned by A. B. and W. Carpenter, be and the same is hereby vacated.

SEC. 2. *Be it further enacted*, That the assessor of Gibson county shall have the land on which the aforesaid town of Otsego was situated, reappraised the same as other lands in the same neighborhood and adjoining the aforesaid town of Otsego, was appraised in eighteen hundred and forty-three, for the purpose of being taxed for state, county, and road purposes for the year 1843.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER CLXIII.

An Act vacating an alley in the city of Fort Wayne.

APPROVED JANUARY, 15, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an alley running from Washington to Wayne street, and being intermediate between lots numbered one hundred and seventy-five and one hundred and seventy-six, and also between lots numbered one hundred and eighty-one and one hundred and eighty-two, in the original part of the said city of Fort Wayne, be and the same is hereby vacated; and the land upon which the same is now situate is hereby vested equally in the respective owners of lots on each side and adjoining thereto.

SEC. 2. That so much of the charter of said city as would authorize the opening of said alley, be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER CLXIV.

An Act for the improvement of the town of Attica.

[APPROVED JANUARY 15, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Mill street in the town of Attica, be and the same is hereby extended in its present course and width from its present termination in Water street to the low water mark in Wabash river.

SEC. 2. That all laws or parts of laws contravening this act, be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.



## CHAPTER CLXV.

An Act authorizing the county commissioners of the county of Clark, to settle with Joseph E. Moore.

APPROVED JANUARY 15, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Clark county, be and they are hereby authorized and empowered to settle with Joseph E. Moore, of said county, upon principles of equity and justice, in relation to a certain note of hand, given by said Moore to the agent of the three per cent. fund of said county, for three hundred and seventy-seven dollars and sixty cents, as one of the securities of Henry Harrod, late agent of the said fund, upon said Moore paying the interest thereon.

SEC. 2. Upon the settlement aforesaid, said commissioners are authorized to exonerate said Moore from all liability on said note, and to surrender the same, provided, said Moore pays all costs, if any, that may have accrued in the premises.

## CHAPTER CLXVI.

An Act legalizing the assignment of the certificate of the school commissioner of Marshall county, to certain land by him sold to Marshal Hall.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it has been represented to the General Assembly that Marshal Hall, on the eighth day of June, in the year of our Lord one thousand eight hundred and thirty-eight, became the purchaser of the following described lot of land, situated in Marshall county, and known as follows, to wit: west half of the south-west quarter of section number fifteen, being part of the school section belonging to congressional township number thirty-four north, of range two east, situate in said county; that the land was sold to said Hall by the school commissioner of said county of Marshall, and a certificate of purchase executed to said Hall in pursuance of law, conditioned that on the full payment of the purchase money being made by said Hall or his assigns, that the said Hall or his heirs should be entitled to a deed in fee simple, for the said land: *And, whereas*, the said Hall, subsequent to the execution of said certificate, assigned the same by endorsement in writing on the back thereof under his proper hand, to one Andrew J. Baldwin, but at the time of the assignment thereof, the said Hall did not acknowledge the assignment thereof before the school commissioner of said county of Marshall, as is by law required, and after the

same was so assigned to said Andrew J. Baldwin, he by endorsement under his hand, assigned the same in writing on the back thereof to one William L. Hargrave, who assigned the same to one John Vinsent, who assigned the same to one Albert Barns, and each of said assignees failed to make the acknowledgements as by law required: *And, whereas*, said Baldwin, Hargrave, and Vinsent have prayed the legislature to legalize the same; and as it has been represented to the General Assembly that said Hall, the first assignor, has left the state of Indiana, and resides in parts unknown, so that the holder of said certificate is unable to procure a deed in fee-simple for said tract of land: For remedy thereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of Marshall county, be and he is hereby authorized to execute a deed in fee-simple to the said tract of land in the preamble heretofore specified to said Albert Barns, or his heirs, or assigns, upon the full payment of the amount due, and interest and costs thereon, on the presentment of said certificate, and the several assignments on said certificate are hereby legalized and shall be held valid.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER CLXVII.

An Act concerning certain indictments in Scott county.

APPROVED JANUARY 15, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Willis L. Traylor, John Close, Thomas Bevers, William Truelock, John Hamacher, Lewis Jones, Thomas Carr, and Josiah McGuire, the first clerk, and the others justices of the peace, of Scott county, be and each and every one of them are hereby released from the indictment or indictments found against them at the last term of the Scott circuit court for neglecting to comply with the provisions of "An act applying certain funds to purposes of education;" and the prosecuting attorney in the second judicial circuit is hereby directed to enter a *nolle prosequi* in said cases.

SEC. 2. This act to be in force from and after its passage.



## CHAPTER CLXVIII.

An Act to improve the navigation of Sugar creek.

APPROVED JANUARY 13, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the provisions, rights, privileges, powers, and immunities, enacted, granted, and provided by an act of the General Assembly of this state entitled "An act to provide for the continuance of the construction of all or any part of the public works of this state, by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842, to private companies for the constructing or repairing any one or more of the works of internal improvement, referred to in said act, be and the same are hereby granted, enacted, and conferred upon and vested in any number of persons who may, in accordance with the provisions of said act, associate themselves together for the improvement of Sugar creek, in the counties of Montgomery, Fountain, and Park, by slack water navigation, from the town of Crawfordsville to the Wabash river.

SEC. 2. That the association to be formed for the purpose aforesaid, shall be styled "The Sugar creek Navigation Company," and by such name shall contract, and sue, and be sued, and when organized under the provisions of this act, and the act in the first section above referred to, shall have full power and authority to do and perform all and every act or acts, and every other matter or thing necessary to be done to render the said stream of water useful for transportation purposes, by dams, locks, and slack water navigation.

SEC. 3. That the capital of said association shall consist of subscriptions of stock, to be subscribed in money, labor, or materials for the construction of said work, or land to be subscribed and holden and appropriated, as by the act in the first section above referred to, is provided and appointed, and shall not exceed two hundred thousand dollars; and whenever ten thousand dollars thereof shall be subscribed, as the capital of such association, and paid or secured to be paid or transferred to the commissioners to receive subscriptions of stock, then the said commissioners shall order an election of directors of said association, according to the provisions of the act aforesaid.

SEC. 4. The said association and the directors thereof shall thereafter proceed in the construction of the improvement of said stream, and in the navigation thereof; after the same shall be completed in all respects according to the provisions of said act in the first section above referred to, necessary and pertinent to the construction of the improvement aforesaid, except that all publications required to be made by said association in any newspaper, shall be made in some newspaper published at Crawfordsville, in Montgomery county.

SEC. 5. This act to be in force from and after its passage.

## CHAPTER CLXIX.

An Act declaratory of the law in a special case in Fayette county.

[APPROVED JANUARY 13, 1844.]

WHEREAS, it is represented to this General Assembly that sundry indictments are now pending in the Fayette circuit court against divers persons for kidnapping, and that said persons did the act, for which they stand indicted, in good faith, and as they supposed, by legal authority, by virtue of a writ issued from the court of common please for Butler county, Ohio; which writ said persons had in their possession at the time of doing the act aforesaid: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That should it be made to appear to the satisfaction of the court or jury, trying any of said cases, that an indictment for a high crime or misdemeanor, was pending in Butler county, Ohio, against the person whose arrest was the cause of the finding of said indictments in Fayette county; that a writ duly issued on said Butler county indictment, was in the possession of the persons who made said arrest, and that the arrest was made with intent to surrender the person arrested to the proper authority, for trial, on such indictment in Butler county, aforesaid; then each of the persons indicted or that may hereafter be indicted in Fayette, because of said arrest, under the Statute of this state against kidnapping, shall be deemed not guilty of violating the true intent and meaning of said Statute, and shall go acquit of punishment: *Provided, however,* that judgments for costs may go as in other cases.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER CLXX.

An Act authorizing the election of certain officers in the town of Indianapolis.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the assessor, collector, supervisor of streets and high ways, and the secretary of the common council of the town of Indianapolis, shall be elected by the qualified electors in said town, at the annual election therein.

SEC. 2. That all laws or parts of laws contravening the provisions of this act be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.



## CHAPTER CLXXI.

An Act to authorize the circuit court of Gibson county to grant a divorce in a certain case therein named.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Peter S. Miller, of said county, be and he is hereby authorized and permitted to file his bill of complaint in the Gibson circuit court, praying a divorce from Elizabeth Miller, his wife, and if, on hearing the proofs and allegations in said case, the court shall be of opinion that the said Elizabeth Miller has finally abandoned her said husband, Peter S. Miller, with the determination of not again living with him, said court shall decree a divorce to the said Peter S. Miller, without any regard to the length of time that has elapsed since she, the said Elizabeth, left and abandoned her said husband.

SEC. 2. It is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk of the Gibson circuit court.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CLXXII.

An Act to revive an act entitled "An act to establish a board of trustees of the county library, of the county of Marion," approved February 11, 1843.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the above recited act, be and the same is hereby revived and reenacted in all its provisions except as herein otherwise provided.

SEC. 2. That the board of commissioners of the county of Marion aforesaid, shall, at their next or any subsequent regular session after the passage of this act, appoint nine electors of said county, trustees of the county library thereof; of whom three shall be appointed for one year from the first Monday in September next, after their appointment; three for two years therefrom, and three for three years; the said board of commissioners to fill all vacancies occurring from time to time.

SEC. 3. This act to be in force from and after its publication in the newspapers of Indianapolis.

## CHAPTER CLXXIII.

An Act to enable the Mayor and Council of the city of New Albany to appropriate certain labor for one year.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter each male inhabitant within the corporate limits of the city of New Albany, between the ages of twenty-one and fifty years, shall work on the highways, streets, and alleys within the corporate limits of said city, two days in each year, unless exempted therefrom by law, or for good cause by the mayor and council of said city.

SEC. 2. That said mayor and council may divide the city of New Albany into four districts, and may provide by ordinance how the highways, streets, and alleys within the same shall be worked, and for the election of the necessary number of supervisors, and the manner they shall perform their duties.

SEC. 3. That all laws other than this act requiring each male inhabitant between the ages of twenty-one and fifty years, to work on the public highways within their respective districts for two days, be and the same are hereby suspended in their operation within the corporate limits of the city of New Albany, for one year for after the publication of this act.

SEC. 4. This act to be in force for one year from and after its publication in the New Albany Gazette, at the expense of said city of New Albany.

## CHAPTER CLXXIV.

An Act to legalize the proceedings of the board of justices, of Gibson county.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is represented that the record of the proceedings of the board doing county business for Gibson county, while the said county business was done by a board of justices of the peace, was not, in some instances, signed by the president of said board as was required by law: Therefore,

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the record of said board doing county business shall have the same force and effect, and be as valid, for all purposes whatsoever, as if the same was duly signed by the president of said board.

SEC. 2. This act to be in force from and after its passage.



## CHAPTER CLXXV.

An Act to legalize the appointment of a school commissioner for the county of Steuben.

[APPROVED JANUARY 13, 1844.]

WHEREAS, it is made known to this General Assembly, that Alanson W. Hendry was, in the month of October last, by the board doing county business for the county of Steuben, appointed school commissioner for said county, to fill a vacancy in said office, occasioned by resignation: *And, whereas,* doubts exist as to the legality of said appointment: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the appointment of the said Alanson W. Hendry, as school commissioner for said county of Steuben, be and the same is hereby legalized; and that all the acts of the said Alanson W. Hendry, done and performed under and by virtue of his said appointment, shall have the same force and effect as if done by a school commissioner duly elected and qualified for said county.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER CLXXVI.

An Act to authorize the school commissioner of Vanderburgh to refund certain moneys.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner of Vanderburgh county shall refund to Joshua Bowles, assignee of John W. Lilleston and Joseph Bowles, all moneys paid as the purchase money of one half of lot number two hundred and ten, in the donational part of the town of Evansville.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CLXXVII.

An Act to legalize the acts of the school commissioner of Benton county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sale of the following described lands, to-wit: the north west quarter of section sixteen, township twenty-four, range eight, and the south west quarter of the same section, made by Milton Jennings, then acting as school commissioner of the county of Benton, is hereby declared legal, and that said Abner Evans, purchaser of said lands, shall be entitled to all the benefits of said purchase as if the said Jennings had, at that time, been school commissioner of the county of Benton.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CLXXVIII.

An Act to legalize the recording of the delinquent list of lands and town lots in the county of Gibson.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the recording of the delinquent list of lands and town lots, by the county auditor in and for the county of Gibson for the year 1842, be and the same is hereby legalized and declared to be good and valid as though the record had been made at the time required by the 89th section of article 7, chapter 12, of the Revised Statutes of 1843.

SEC. 2. This act to be in force from and after its passage.



## CHAPTER CLXXIX.

An Act in relation to the surplus revenue fund in the counties of Jay and Blackford.

[APPROVED JANUARY 15, 1844.]

WHEREAS, by an act of the General Assembly, approved February 6th, 1837, providing for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d June, 1836, the county of Jay did receive the sum of two thousand one hundred and sixteen dollars: *And, whereas*, since the receipt of said sum by the county of Jay, the said county of Blackford has been made and formed therefrom: *And, whereas*, the said county of Blackford is legally and justly entitled to demand and receive from the said county of Jay, a portion of the above named sum of money: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county treasurer of said Jay county, be and is hereby authorized and required to pay over to the county treasurer of said Blackford county, on demand, such amount of said sum of \$2,116 as said county of Blackford may be entitled to, taking into consideration, as the data upon which distribution or division between said two counties is to be made, the number of polls therein as returned for the year 1843.

SEC. 2. That part first, chapter thirteenth, article seventh of the Revised Statutes of 1843, and all other general enactments in relation to the surplus revenue fund, be and the same are hereby declared to be in force as to the county of Blackford, and the county treasurer shall be governed, in all respects, thereby.

SEC. 3. Should there not be as much money in the hands of the county treasurer of Jay county, belonging to the surplus revenue fund, as will pay to the county of Blackford the amount due under the provisions of this act, it shall be lawful, and is hereby made the duty of the county treasurer of said county of Jay, to transfer to the county treasurer of Blackford county, such notes or mortgages received by him on account of loans made of said fund, as the treasurer of said Blackford county deems safe and solvent.

SEC. 4. This act to be in force from and after a certified copy thereof is filed in the clerks' offices of each of the aforesaid counties.

## CHAPTER CLXXX.

An Act to provide for the election of a justice of the peace in the town of Ferdinand, in Dubois County.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Dubois county shall, if they deem it expedient, at the next March term of said board, or any term thereafter, order the election of an additional justice of the peace in Patoka township, in said county; and such justice shall be elected and reside in the town of Ferdinand, in the said township of Patoka, and a removal therefrom shall be a vacation of his office.

SEC. 2. Said election shall be conducted, in all respects, by the laws now in force regulating county and township elections.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CLXXXI.

An Act to authorize the agent of the surplus revenue of Marion county to sell certain real estate.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the agent of the surplus revenue of Marion county, be and he is hereby authorized to sell at public sale, to the highest bidder, for cash in hand, all the right, title, and interest, of the State of Indiana, in and to the following described tract or parcel of land, to-wit: the east half of lot numbered twelve, in square numbered sixty, in the town of Indianapolis, in said county.

SEC. 2. The said agent in conducting said sale, in making deed to the purchaser for said lot, and in disposing of the moneys arising from said sale, shall be governed by the existing laws in force in relation to the management of the surplus revenue fund.

SEC. 3. This act to be in force from and after its passage.



## CHAPTER CLXXXII.

An Act to authorize the trustees of township twenty-five, range two west, in Carroll county, to lease the school section of said township, for the term of ninety years.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the township trustees of township number twenty-five, range two west, in Carroll county, are hereby authorized to lease the lands belonging to the school section of said township, for ninety years; the proceeds of which arising from said leases, shall be applied to common school purposes, in the same way and manner that other school funds are managed and applied.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CLXXXIII.

An Act to provide for the appointment of a county auditor and school commissioner for the county of Perry.

[APPROVED JANUARY 13, 1844.]

WHEREAS, it is made known to this General Assembly, that the offices of county auditor and school commissioner for said county of Perry, are vacant; by reason of which much loss to said county and the citizens thereof is apprehended: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business for said county shall, when duly notified according to the provisions of this act, assemble at the court house in said county, and appoint some suitable person of said county to perform the duties of auditor, and some suitable person of said county to perform the duties of school commissioner for said county; who shall give bond with security, as is now required by law of such officers; and shall hold their offices under such appointment until the next general election, and until their successors in office shall be elected and qualified.

SEC. 2. That the sheriff of said county shall immediately after he shall receive a copy of this law, give to each member of said board doing county business, written notice to appear at the court house in said county on a day to be specified in said notice; then

and there to appoint a county auditor and school commissioner, as directed by the first section of this act; which notice shall be served by said sheriff three days before the day specified in said notice.

SEC. 3. That it shall be the duty of the Secretary of State, forthwith, to forward by mail, copies of this act to the clerk and sheriff of said county.

SEC. 4. That all penalties and forfeitures heretofore incurred in the said county of Perry, by the nonpayment by persons indebted to the congressional townships in said county, for principal money or interest, be and the same are remitted: *Provided*, the persons so indebted shall pay to the proper officer, the amount due and owing by them, with legal interest, on or before the expiration of twelve months after the passage of this act.

SEC. 5. This act shall be in force from and after its passage.

## CHAPTER CLXXXIV.

An Act to relocate the seat of justice of Noble county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Lot Day, of St. Joseph county, John Jackson of Elkhart county, Charles M. Heaton of St. Joseph county, Allan Tibbetts of Elkhart county, Ephraim Seley of Lagrange county, and Enos Beall of Steuben county, be and they are hereby appointed commissioners to relocate the seat of justice of Noble county.

SEC. 2. The said commissioners, or a majority of them, shall meet at Augusta, in said county of Noble, on the first Monday of March next, or at such other time and place as they may agree upon, and have full power to adjourn from time to time as they may deem necessary; the said commissioners, after taking an oath faithfully and impartially to discharge the duties required of them by this act, shall proceed to relocate said seat of justice, for said county, at Augusta, or any other place as near the centre thereof as the situation of the land and the interest of the county will admit, having due regard to the present and probable future population of the county of Noble.

SEC. 3. That the said commissioners shall be and they are hereby authorized to receive all donations in lands for the site of said seat of justice, and all donations which may defray the expenses for the erecting the necessary buildings for the use of said county, and take all necessary bonds and deeds to secure the faithful performance of such contracts.

SEC. 4. The said commissioners shall, after they have selected the site for said seat of justice, certify the same to the recorder of the county of Noble, who shall make a proper record thereof, and also deposite with the said



recorder all deeds, bonds, and other instruments of writing which they may have received for the use or benefit of said county.

SEC. 5. That the board doing county business for the county of Noble shall, at their first meeting next after the seat of justice shall have been located and fixed in the manner aforesaid, proceed to put under contract, or take such other measures as they may deem most subservient to the interest of the county, for the erection of the necessary public buildings for said county of Noble.

SEC. 6. The said commissioners appointed in the first section of this act, shall receive the same compensation and be paid in the same manner as is provided for in an act entitled "An act to establish seats of justice in new counties," approved Jan. 14, 1824.

SEC. 7. So soon as the public buildings shall be completed in the manner aforesaid, at the place so selected and designated, the same shall thereafter be the permanent seat of justice of the said county of Noble, and all courts of said county shall thereafter be holden at such county seat, and until the erection and completion of such buildings; the circuit courts and all other courts shall be holden in Augusta, or at any other place to which the said courts may adjourn in said county of Noble.

SEC. 8. And it shall be the duty of the sheriff of said county of Noble to give notice to said commissioners, either in person or in writing, of the time and place, and the board of commissioners of said county of Noble shall make such allowance to the sheriff aforesaid as they may deem proper and just for his services herein required.

SEC. 9. This act to take effect and be in force from and after its passage, and a copy deposited in the clerk's office of the said county of Noble.

## CHAPTER CLXXXV.

An Act providing for the election of an additional justice of the peace, in Posey county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the legal voters of Robinson township, county of Posey, be and they are hereby authorized to elect one additional justice of the peace in and for Robinson township; the said justice to be a resident citizen, and hold his office in the town of Blairstown, to be elected at the same time and in the same manner as other justices are elected in the aforesaid township.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CLXXXVI.

An Act in relation to school district number five, in township thirty-seven north, range three west, in Laporte county.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is represented to this General Assembly that a lien exists upon the school house in school district number five, in township number thirty-seven north, of range number three west, in Laporte county, to satisfy which, said school house is liable to be sold: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of said school district be and they are hereby authorized and empowered forthwith to assess and collect a tax against the owners of property, and the taxable inhabitants of said district, sufficient to pay the debts due by said school district on account of said school house.

SEC. 2. Said trustees shall cause a list of the taxable polls, and of the property in said district which is subject to the payment of state and county taxes, to be made together with a valuation of said property, and may assess a poll tax not exceeding fifty cents for each taxable poll, and shall apportion the balance of said sum, to be raised as aforesaid ratably among the owners of said property according to the amount owned by them respectively.

SEC. 3. After assessing said tax as aforesaid, said trustees shall deliver to the treasurer of said district a duplicate thereof, with a command thereon endorsed to him to proceed to collect said tax according to such assessment, and thereupon said treasurer shall be and is hereby fully authorized in his own name, forthwith to demand, collect, receive, sue for, and recover for the benefit of said district the sums so assessed respectively from the persons against whom the same may be assessed as aforesaid, in as ample a manner as if the same were due to him in his own right, and in case said treasurer shall be obliged to sue for any part of said tax no stay of execution or valuation of property shall be allowed to the execution defendant; and said duplicate of said list and assessment and command thereon endorsed as aforesaid, shall be conclusive evidence that the amounts therein charged are due from the persons against whom the same are charged respectively, except that in case of any manifest error or injustice done to any individual by said assessment, said trustees may correct the same.

SEC. 4. This act to take effect and be in force from and after its passage.



## CHAPTER CLXXXVII.

An Act to provide for the relocation of the seat of justice in the county of Martin.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That George H. French, and Andrew Roberts, of the county of Orange, William Hoard and Robert M. Carlton, of the county of Lawrence, and William H. Houghton, of the county of Daviess, be and they are hereby appointed commissioners to relocate the seat of justice in the county of Martin.

SEC. 2. Said commissioners, or a majority of them, shall meet at Dougherty's shoals, in said county of Martin, on the first Monday of March next, or at such other time as they may agree upon, and have power to adjourn from time to time as they deem necessary; the commissioners after being sworn faithfully to discharge the duties enjoined on them by this act, shall proceed to relocate said seat of justice for said county, at the most eligible site in said county, within three and one-half miles of the centre thereof: *Provided*, a donation is given sufficient to erect the necessary public buildings, which may be of wood if a donation sufficient to build of brick cannot be had: *Provided*, that if the court house should be built of wood, it shall be a frame.

SEC. 3. That said commissioners shall be governed in all respects in the discharge of their duties as such, by an act entitled "An act to establish seats of justice in new counties," approved January 14th, 1824, except as herein provided.

SEC. 4. The board doing county business in said county is authorized to order all of the courts of said county to be held at the place selected for the seat of justice by the commissioners appointed by this act, at any time before the completion of the public buildings: *Provided*, sufficient rooms can be had for that purpose, free of expense.

SEC. 5. This act to take effect and be in force from and after its passage, and that it be published in the State Sentinel and Indiana Journal, and a certified copy filed in the clerk's office in Martin county.

## CHAPTER CLXXXVIII.

An Act to require the superintendent of the Wabash and Erie canal to give bond and take an oath of office.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the superintendent of the Wabash and Erie canal, before entering upon the duties of his said office, shall be required to take an oath of office before some person authorized to administer oaths, faithfully and impartially to discharge the duties thereof; and also to give a bond payable to the state of Indiana, in the penal sum of sixty thousand dollars, with security to the approval and satisfaction of the Governor and Treasurer of State, conditioned for the faithful discharge of all the duties required of him by law; and which said bond shall be filed in the office of the Secretary of State.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CLXXXIX.

An Act to elect an additional constable in Ladoga, Montgomery county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Montgomery is hereby authorized and required, at their first session or term after the taking effect of this act, or as soon thereafter as practicable, order an election of one additional constable, to reside in the town of Ladoga, in said county, to be elected by the qualified voters of the township in which said town is situated, which election of said officer shall be conducted in all things according to the general laws that now are or that may hereafter be in force regulating the elections of constables in this state.

SEC. 2. That if the said constable shall fail to reside in said town he shall thereupon forfeit his office.

SEC. 3. All vacancies that shall happen in the office herein provided for and authorized, it shall be lawful to fill said vacancy as in other vacancies of the office of constables by the general laws of this state.

SEC. 4. This act to take effect and be in force from and after its passage.



## CHAPTER CXc.

An Act to authorize the school commissioner of Pike county to loan the common school fund of said county, on personal security.

[APPROVED JANUARY 6, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner or officer having control of the common school fund of Pike county, is hereby permitted to loan and renew loans of said fund of said county on bond with approved personal security: *Provided, however,* that said fund shall not loose any thing from such personal security, and that this act shall only extend to that part of said fund now loaned on personal security.

SEC. 2. That this act shall take effect and be in force from and after its passage.

SEC. 3. That all laws and parts of laws contravening the provisions of this act, so far as relates to Pike county, are hereby repealed.

## CHAPTER CXCI.

An Act amendatory and supplemental to an act entitled "An act providing for the election of three school commissioners in township number fourteen north, of range number seven west, in Park county," approved January 13th, 1842.

[APPROVED JANUARY 6, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the provisions of the above named act be extended to township eight, range one west, of Franklin county.

SEC. 2. That this act shall take effect and be in force from and after its passage.

SEC. 3. That all laws and parts of laws contravening the provisions of this act, so far as relates to township number eight, range one west, of Franklin county, are hereby repealed.

## CHAPTER CXcII.

An Act to amend an act entitled "An act relating to the seminary fund in Cass county," approved February 11th, 1843.

[APPROVED JANUARY 15, 1844.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first section of the above recited act be and the same is hereby so amended as to extend the time to the annual August election, in 1844, for the qualified voters of the county of Cass, to determine by vote, in manner as is therein provided, whether the seminary fund of said county shall be united with the fund of the "Eel river Cass county Seminary Society," as is therein provided and for the purposes therein provided.

SEC. 2. That the second section of the said recited act, be and the same is hereby so amended as to extend the time of the regular meeting of the board doing county business, to the first regular meeting after the first Monday in August in 1844, to appoint trustees as in said section provided, if it may be necessary under the provisions of said act, and that it be further amended so as that the trustees therein authorized to be appointed shall serve as such trustees until the first monday in August 1845, and until their successors are chosen and qualified.

SEC. 3. That the fifth section of said act be and the same is hereby so amended as to extend the time for voting for trustees as is provided in said section, to the first Monday in August 1845.

SEC. 4. That the eighth section of said act be and the same is hereby repealed.

SEC. 5. This act and the above recited act, to which this is an amendment, to take effect and be in force from and after their publication as the laws are usually published, or so soon as they may be published in one of the public newspapers at Logansport.

## CHAPTER CXcIII.

An Act authorizing the several courts of Tippecanoe county to be holden in such place as herein specified, during the erection of a new court house, in said county.

[APPROVED DECEMBER 22, 1843.]

WHEREAS, a new court house is now in progress of erection in said county of Tippecanoe, in consequence whereof it becomes necessary to provide a suitable place for holding the several courts of said county, until the same is completed: Therefore,



**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That during the time of erecting the said new court house in said county, and until the same is completed, the several courts of said county shall be holden in any room in the town of Lafayette, in said county, that may be selected by the sheriff of said county; and the said sheriff is hereby authorized and required, at the expense of said county, to select and put in proper order a room or rooms suitable for that purpose.

**SEC. 2.** All laws and parts of laws coming in conflict with this [act] be and the same are hereby repealed.

**SEC. 3.** This act to be in force from and after the first day of April next.

## CHAPTER CXCV.

An Act to legalize the proceedings of the board of commissioners of the county of Monroe, at the August session thereof 1841.

[APPROVED DECEMBER 28, 1843.]

**WHEREAS**, it has been represented to this General Assembly that at a special session of the board of commissioners of the county of Monroe, held in the month of August, in the year of our Lord one thousand eight hundred and forty-one, called for the purpose of determining whether that part of the surplus revenue appropriated for said county should be placed in the State Bank of Indiana or retained in the hands of the agent of said county by the said board, in addition to the determination of that question, transacted sundry other business: *And, whereas*, doubts have been entertained as to the legality of the act of said board at the aforesaid session thereof: Therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all the acts of the board of commissioners of the county of Monroe, at a special session thereof, in the month of August, in the year of our Lord one thousand eight hundred and forty-one, be and the same are hereby legalized, and shall be deemed as valid as if done at a regular session.

**SEC. 2.** This act shall be in force from and after its publication in the Bloomington Post.

## CHAPTER CXCV.

An Act legalizing the proceedings of the board of commissioners of the county of Allen at a special session thereof.

[APPROVED DECEMBER 28, 1843.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of the board of county commissioners of the county of Allen at a special session thereof, held in pursuance with the requisitions of an act entitled "An act for the relief of the people of the county of Allen," approved December 8th, 1842, be and the same are hereby legalized.

**SEC. 2.** That the Secretary of State forward a copy of this act to the auditor of said county, and that the same be in force from and after its passage.

## CHAPTER CXCVI.

An Act to repeal certain acts therein named relative to the seminary and library in Crawford county.

[APPROVED JANUARY 15, 1844.]

**SECTION. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all special acts relative to the management of the county seminary and library in the county of Crawford, be and the same are hereby repealed. The said seminary and library in the said county of Crawford shall hereafter be governed in all respects by the laws regulating county seminaries and libraries generally.

**SEC. 2.** This act to take effect and be in force from and after its passage.



## CHAPTER CXCVII.

An Act to legalize the proceedings of the board of county commissioners of Greene county.

[APPROVED JANUARY 5, 1844.]

WHEREAS, it is represented to this General Assembly that the board of county commissioners of the county of Greene ordered the county auditor to advertise the list of lands and town lots returned delinquent for the non-payment of taxes for the year 1842, in three of the most public places in each township, including in each advertisement only the lands and lots lying in the township where the advertisement was posted up, and one general list posted up at the court house of said county: Therefore,

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of the board of county commissioners of Green county, in the foregoing preamble recited, be and the same are hereby legalized.

SEC. 2. It shall be the duty of the Secretary of State forthwith, after the passage of this act, to transmit a copy of the same to the county auditor of Green county.

SEC. 3. This act to take effect from and after its passage.

## CHAPTER CXCVIII.

An Act to legalize the acts of the school commissioner in the county of Martin.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts of Aaron Houghton, school commissioner of the county of Martin, [as far as they relate to cases in which he was not able to collect the interest due on moneys loaned, and was under the necessity of deferring the collection of said interest with the principal for the purpose of securing the whole, be and the same are hereby legalized.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXCIX.

An Act to legalize the election of probate Judge in Boone county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the election of Seaman Buckles to the office of probate judge for the county of Boone, be and the same is hereby declared a legal and valid election to all intents and purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CC.

An Act to legalize the proceedings of the probate court and the board of commissioners of Miami county, and for other purposes.

APPROVED JANUARY 15, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of the probate court and board of commissioners of Miami county, so far as the same have been illegal, in consequence of the probate court having been held in the clerk's office and the sessions of said board having been held in the auditor's office in said county, be and the same are hereby legalized.

SEC. 2. It shall and may be lawful for the probate court of said county to be held hereafter in the clerk's office, and for the board of commissioners of said county, to hold their sessions in the auditor's office of said county.

SEC. 3. This act to take effect and be in force from and after its passage.



## JOINT RESOLUTIONS.

### CHAPTER I.

A Joint Resolution amendatory of "A joint resolution on the subject of counting and cancelling state bonds that have been received by the Treasurer of State," approved February 9th, 1843.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That it shall be the duty of the Auditor of State to annually furnish, with his annual report, a schedule of all bonds redeemed and cancelled within the current year; showing the amount paid for the same; the amount for which they were sold by the Fund Commissioners; to whom sold; date of sale; and the amount of interest which had been paid on each before the redemption thereof.

SEC. 2. *Resolved*, That in the next annual report of the Auditor of State, that officer is directed to give, in some suitable form, the amount of interest paid on all bonds redeemed and cancelled previous to said report.

SEC. 3. That for the registers of state bonds required by the joint resolution to which this is amendatory, to be opened by the Auditor and Treasurer of State, that they be allowed such amount as the State Agent shall say is just upon an examination thereof: *Provided, however*, that no compensation shall be allowed out of the State Treasury, but shall be paid out of the internal improvement fund as other claims are audited and paid out of that fund.

SEC. 4. *Resolved*, That in future the certificate of the Committee of Ways and Means, whose duty it is made to count and cancel all state bonds, in the joint resolution to which this is amendatory, to specify in their certificate to the Auditor of Public Accounts, (upon which certificate the Auditor's warrant is to be issued to the Treasurer for the amount of such bonds) the date, number, amount, by whom signed, and to whom payable, of each bond thus counted and cancelled.

This joint resolution to be in force from and after its passage.

### CHAPTER II.

A Joint Resolution for the relief of Samuel Campbell, an old and infirm soldier.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it is represented unto the General Assembly of the State of Indiana, that Samuel Campbell, of Jennings county, together with all other soldiers who faithfully served in the army of General Wayne with equal credit, and are now living in this State, did render important services to the United States, as a soldier in the army of General Wayne, all which he can prove satisfactorily:

AND, WHEREAS, it is also represented that the said Samuel Campbell has been for some years past, and now is unable to procure a livelihood by manual labor, by reason of rheumatic affections, occasioned by exposures and hardships encountered while serving valiantly as a soldier, as above stated:

AND, WHEREAS, it is unjust that the government of the United States shall refuse to supply the moderate wants of such persons as are reduced to penury and suffering by bravely encountering the foes of our country: Therefore,

*Resolved*, That the Congress of the United States be requested to pass a law authorizing the payment of a pension to the said Samuel Campbell upon his proving to the satisfaction of the pension agency, the rendition of services as a soldier as stated in the foregoing preamble, and also of his destitute condition.

*Resolved*, That the Governor transmit copies of this preamble and of these resolutions to our Members and Senators in Congress.

### CHAPTER III.

A Joint Resolution for the relief of William Willard.

[APPROVED JANUARY 15, 1844.]

*Be it resolved by the General Assembly of the State of Indiana*, That the Treasurer of State shall pay to William Willard a reasonable compensation for teaching the mutes of this State, out of the funds set apart for that purpose at the last General Assembly.

This resolution to take effect and be in force from and after its passage.



## CHAPTER IV.

A Joint Resolution relative to International Literary Exchanges

[APPROVED JANUARY 15, 1844.]

WHEREAS, a system of International Literary Exchanges has been projected by Alexandre Vattemare, a distinguished citizen of France, and in part successfully prosecuted by him in recent exchanges of valuable books, maps, objects of natural history, etc., made between France and the United States: *And, whereas*, such a system of international good will and courtesy is deemed well adapted to further the interests of religion, morals, literature, and the arts, and the confluence of all enlightened nations into a body of laborers for their mutual advancement in science and refinement: Therefore,

*Be it resolved by the General Assembly of the State of Indiana*, That the Secretary of State be and he is hereby authorized and directed to prepare, from the public archives, in a suitable and durable manner, eight sets of all private and public laws, resolves, and legislative documents, published under the authority of the State; also, eight copies of Blackford's Reports, the report of the State Geologist, and the History of Indiana; and forward the same to the care of the said Alexandre Vattemare, to be by him distributed as follows: one set and copy of each to the Royal Athenæum of Paris; another, to the American Athenæum at Paris; another, to the Legislative Chambers of France; another, to the Municipal Council of the City of Paris; another, to the Academy of Moral and Political Sciences; another, to the Minister of Justice; another, to the Minister of Public Instruction; and another to the Minister of Commerce.— Each set to be accompanied with a duly attested copy of this joint resolution. And the Secretary of State is hereby directed to forward annually, as above directed, all public and private laws and legislative documents, until otherwise ordered by the legislature; and the expenses necessary to carry into effect this resolution, shall be charged to the contingent fund, and audited thereto by the proper officer.

## CHAPTER V.

A Joint resolution on the subject of reducing the per diem allowance of members of Congress and for other purposes.

[APPROVED JANUARY 15, 1844.]

*Be it resolved by the Genreal Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested to vote for and use their influence for the reduction of the pay of members of Congress to six dollars per day; and, also, to reduce the salaries of all other officers of the National Government in the same proportion, where the same can be done consistently with a faithful and competent discharge of the public service; and to reduce the mileage in the same proportion.

*Be it further resolved*, That the Governor cause certified copies of this joint resolution to be sent to each of our Senators and Representatives in Congress.

## CHAPTER VI.

A Joint Resolution on the subject of the State House.

[APPROVED JANUARY 15, 1844.]

WHEREAS, it appears that the present condition of the State House calls for some immediate repairs, and that it is necessary, in view of such repairs, that an appropriation shall be made by the present General Assembly: Therefore,

*Be it resolved by the General Assembly of the State of Indiana*, That James Whitcomb, Wm. Sheets, and N. B. Palmer, be and they are hereby constituted a commission, whose duty it shall be to make all necessary arrangements for such repairs as to them may seem necessary; and they are hereby directed and required to give to any one who shall perform the work or furnish materials for said repairs, an order to the Auditor of State, who shall audit the same, and issue warrants drawn on the Treasurer of State; which shall be paid out of any moneys in the Treasury not otherwise appropriated.

This joint resolution to be in force from and after its passage.



## CHAPTER VII.

A Joint Resolution requesting the Governor of Indiana to communicate with the Governor of the State of New York, asking a drawback on salt delivered at any point on the Wabash and Erie Canal, within the State of Indiana.

[APPROVED JANUARY 12, 1844.]

WHEREAS, by a law of the State of New York, passed at the last session of the General Assembly of said State, there is allowed a draw back of twenty five cents on each and every barrel of salt, the manufacture or produce of said State, which may be delivered at Lafayette, in the State of Indiana, on the Wabash and Erie canal: And, whereas, in the opinion of this General Assembly, no good reason exists to favor the selection of Lafayette to the exclusion of all other points on said Wabash and Erie canal: Therefore,

*Resolved by the General Assembly of the State of Indiana,* That the Governor be and he is hereby requested to communicate by mail, without unnecessary delay, with the Governor of the State of New York, intimating the desire of this General Assembly, that our line of canal may be equally favored through its entire extent, and all our citizens equally benefitted.

## CHAPTER VIII.

A Joint resolution providing that each member of the General Assembly shall have a copy of the Revised Laws of this State.

[APPROVED JANUARY 15, 1844.]

*Be it resolved by the General Assembly of the State of Indiana,* That each member of the General Assembly, and each regular clerk, who were not here at the last session, shall be entitled to one copy of the Revised Laws of this State.

This joint resolution to take effect and be in force from and after its passage.

## CHAPTER IX.

A Joint Resolution respecting the State Prison.

[APPROVED JANUARY 13, 1844.]

*Be it resolved by the General Assembly of the State of Indiana,* That His Excellency the Governor be and he is hereby authorized to appoint three practical and efficient men, to proceed to Jeffersonville, the location of the new state prison, at as early a day as possible, for the purpose of examining the work there partially erected in the commencement of the said new state prison; and there minutely examine said work, as to its foundation; the materials therein used; its style for durability and stability; the brick walls there erected or in progress of erection; as to the materials therein used and the manner of its construction; and generally to inquire into the progress of the work of said prison; and, on the close of said examination, report the result of their inquiries to the Governor, as soon after said examination shall have been had as possible.

*Resolved,* That upon the receipt of said report of said examiners, it shall be the duty of the Governor to determine whether the superintendents and contractors of said prison have or are fulfilling their contract with the State in the erection of said prison; and if he shall be convinced that there has been any fraud practised in the erection of said work, either in the quality of the materials used, or the work done, it shall be his duty to cause the work to be suspended thereon; and if he deem it expedient for the benefit of the State to compound with the contractors for the relinquishment of the existing contract, he is hereby fully authorized to do the same on just and equitable terms.

*Resolved,* That if the work shall be so suspended, the Governor is hereby empowered to make a contract for the continuation of the work on said prison, or at least so much of it as will accommodate the usual number of convicts there confined.

*Resolved,* That the examiners herein directed to be appointed, shall supersede the appointment of the annual visiter of the state prison.

*Be it further resolved,* That His Excellency the Governor be requested to prepare a system for the management, discipline, and government, of the state prison, under the exclusive control of the State, and that he submit the same to the next General Assembly.



## CHAPTER X.

A Joint Resolution in relation to refunding the fine imposed upon General Andrew Jackson, by Judge Hall, and for other purposes.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested, to vote for and use their influence to procure the passage of a law refunding to General Andrew Jackson the unjust fine imposed upon him at New Orleans in 1815, by Judge Hall: and further, that they vote against any proposition or bill which may be introduced into Congress, to assume the state debts by the General Government, or the adoption of what is generally known as William Cost Johnson's plan of paying the state debt; or in any manner further to distribute the proceeds of the sale of the public lands.

And that the Governor of this State cause a certified copy of this joint resolution to be forwarded to each of our Senators and Representatives in Congress.

## CHAPTER XI.

A Joint Resolution on the subject of the French Lick, in the county of Orange.

[APPROVED JANUARY, 15, 1844.]

*Be it resolved by the General Assembly of the State of Indiana*, That the Governor be and he is hereby authorized and required to appoint some suitable and competent person to analyze and test the waters of the French Lick, in the county of Orange, and transmit by mail to His Excellency, the Governor, a report in detail, setting forth the character and qualities of the water, on or before the first day of December, 1844.

This joint resolution to take effect and be in force from and after its passage.

## CHAPTER XII.

A Joint Resolution in relation to the purchase of water rotted hemp for the United States Navy.

[APPROVED JANUARY 13, 1844.]

WHEREAS, the raising and curing of hemp, for the use of the Navy of the United States, have been so successfully prosecuted in the State of Indiana as to receive the decided approval of the officers of the General Government, for the public service: Therefore,

*Be it resolved by the General Assembly of the State of Indiana*, That the Congress of the United States be requested to provide for the appointment of an agent for the purchase of hemp suitable for the use of the service, in the western states; and that such agent be required to select and publicly designate some central point on the Ohio river, within the State of Indiana as well as in other states, at which he shall attend, after giving due notice, and inspect and receive such hemp offered for sale, as may be suitable for, and needed by, the public service.

*Be it further resolved*, That His Excellency the Governor be requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

## CHAPTER XIII.

A Joint Resolution in relation to the completion of the Wabash and Ohio Canal.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators be instructed, and our Representatives requested, to use their influence to procure the passage of a law appropriating all the unsold lands in the Vincennes district to the State of Indiana, for the purpose of completing the Wabash and Ohio Canal from Terre Haute to Evansville.

SEC. 2. *Be it further resolved, by the authority aforesaid*, That His Excellency the Governor be requested to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.



## CHAPTER XIV.

A Memorial and Joint Resolution on the subject of the Cumberland Road.

[APPROVED JANUARY 13, 1844.]

*The memorial of the General Assembly of the State of Indiana, respectfully represents:*

That the recommencement of operations on the Cumberland road, with a view to its speedy completion, is a matter of much interest to the people of the State of Indiana, whose hopes and expectations have been so long delayed, that they now look with renewed confidence to the General Government for appropriations sufficient for the completion thereof.

The condition of the unfinished portion of this road, at this time is such as to render it almost impassable.

Many of the temporary bridges having been carried off by the late freshets, renders it difficult and unsafe crossing many streams with the United States' mail.

The people of the State of Indiana have relinquished the right of taxing the lands in her bounds, sold by the General Government, for the term of five years from and after the sales thereof, in consideration of which, in part, they receive what is commonly called the two per cent. fund, derived from the sales of those lands, which is now uselessly expended on this road, should it be abandoned by the General Government.

We ask only a small portion of the great amount of money drained from the west through the land sales, and appropriated in the east; and we ask this small pittance, not as a gratuity to the people of this State, but in view of the great utility of such a road to the whole country as well as the States through which it passes; and the pledged faith of the General Government for its completion: Therefore,

*Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives be requested, to use every reasonable exertion to procure a liberal appropriation on the Cumberland road in Indiana, at the present session of Congress.*

*Be it further resolved, That His Excellency the Governor of this State be requested to cause a copy of this memorial to be transmitted to each of our Senators and Representatives in Congress.*

## CHAPTER XV.

A Joint Resolution in relation to an appropriation on the National Road in Indiana.

[APPROVED JANUARY 12, 1844.]

WHEREAS, the speedy completion of the National Road, connecting as it does, the east with the great west, thus affording such facilities for travel as would greatly conduce to the rapid population and consequent wealth of the western states, renders it of vital interest to the whole nation: *And, whereas*, previous to a suspension of work on said road in this State, large quantities of materials had been provided, which were not used and are now perishing and becoming wasted, and will be, unless some means be soon adopted by the General Government to apply them, a total loss: Therefore,

*Resolved, by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use all their influence to procure an appropriation on said road in this State at the present session of Congress; and that the Governor of this State be respectfully requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.*

## CHAPTER XVI.

A Joint Resolution on the subject of improving the navigation of the Mississippi, Ohio, and Wabash Rivers.

[APPROVED JANUARY 10, 1844.]

*Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to secure the necessary appropriations of money from the National Treasury, or public lands, the proceeds of which shall be expended for removing the obstacles to, and improving the navigation of, the Mississippi, Ohio, and Wabash rivers.*

*And be it further resolved, That His Excellency the Governor be requested to transmit a copy of the foregoing joint resolution to each of our Senators and Representatives in the Congress of the United States.*



## CHAPTER XVII.

A Joint Resolution in relation to certain repairs on the bridge across White river, on the National road.

[APPROVED JANUARY 5, 1844.]

WHEREAS, the bridge across White river, on the National road, immediately west of the city of Indianapolis, and also the bridge over the east fork of White Water, at Richmond, and the bridge across Blue river, at Knightstown, are in great danger of falling in consequence of the decay and ruinous condition of the abutments and piers of said bridges: *And, whereas*, the legislature of the state of Indiana has no control over that subject: *And, whereas*, the National road and all the bridges and improvements thereon are the peculiar objects of the care and protection of the National Government: Therefore,

*Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to procure an appropriation during the present session of Congress, for the purpose of making all necessary repairs to said bridges.

*Be it further resolved*, That His Excellency the Governor be directed to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.

## CHAPTER XVIII.

A Joint Resolution on the subject of the Oregon Territory.

[APPROVED JANUARY 13, 1844.]

WHEREAS, the district of country, known as the Territory of Oregon, rightfully belongs to our National Government: *And, whereas*, the insatiable avarice, and grasping spirit of the British government seem already directed to its subjugation and conversion: *And, whereas*, the slightest infringement of national right is a prelude to more highhanded and audacious aggressions: Therefore,

*Be it resolved*, That our Senators in Congress be instructed, and our Representatives requested to use their proper instrumentality to provide for the immediate occupation, organization, and adequate defence of the Oregon Territory, peaceably if we can, forcibly if we must.

*Resolved*, That the Governor forward to each of our Senators and Representatives in Congress, a copy of this preamble and resolution immediately upon its passage.

## CHAPTER XIX.

A Joint Resolution in relation to a grant of land for the completion of the northern end of the Central canal.

[APPROVED JANUARY 5, 1844.]

WHEREAS, the northern end of the Central canal passes through and near a portion of the lands of the United States, commonly known as the Miami Reservation: *And, whereas*, the State of Indiana has expended large sums on said canal towards a completion of the same, which expenditure will be in a measure lost for want of means to prosecute the work: *And, whereas*, its completion from Broad Ripple, on the west fork of White river, to its intersection with the Wabash and Erie canal, will not only be of utility to the citizens of this state, but will greatly enhance the value of the lands of the United States aforesaid, and when completed, be of vast national importance by the facility of transportation afforded from the interior of Indiana: Therefore,

*Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed and our Representatives requested to use their best exertions to procure the passage of a law granting to the State of Indiana a section of land for each alternate mile on both sides of said canal from Broad Ripple, on the west fork of White river, to its intersection with the Wabash and Erie canal, to be selected out of the lands held by the United States in what is called the Miami Reservation, for the purpose of enabling said state to complete the said Central canal between the points above mentioned; the United States reserving the right of transportation in case of war or insurrection.

*Be it further resolved*, That the Governor be requested to forward a copy of this preamble and joint resolution to each of our Senators and Representatives in Congress.

## CHAPTER XX.

A Joint Resolution in relation to the construction of a canal at the falls of the Ohio River.

[APPROVED JANUARY 5, 1844.]

WHEREAS, the increasing population and commerce of the states contiguous to and bordering on the Ohio and Mississippi rivers imperiously demands an improvement in the navigation at the falls of the Ohio river, on the Indiana side, for the transportation of the surplus products of the country, with the least possible delay and expense: *And, whereas*, a sufficiency of the public lands may be donated by the general government for the construction of a canal without materially decreasing the revenue: Therefore,



*Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives requested to vote for, and use their best exertions to procure a donation of a quantity of land out of the public domain sufficient to enable the State of Indiana to construct a canal at the falls of Ohio, of ample dimensions to secure the object aforesaid.*

*Be it further resolved, That His Excellency the Governor be directed to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.*

## CHAPTER XXI.

A Joint Resolution on the subject of postage.

[APPROVED JANUARY 13, 1844.]

*Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress are hereby instructed and our Representatives requested to use their exertions to procure the passage of a law reducing postage generally; and particularly providing that any person transmitting newspapers, pamphlets, or other periodicals by mail, may endorse thereon the name and place of the person so transmitting the same without being subjected to any additional postage therefor.*

*And the Governor is directed to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.*

## CHAPTER XXII.

A Joint Resolution in relation to the completion of a harbor at Michigan city.

[APPROVED DECEMBER 16, 1843.]

*Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives requested to use every reasonable exertion to procure an appropriation during the present session of Congress for the completion of a harbor at Michigan city, in the State of Indiana.*

*Be it further resolved, That His Excellency the Governor be directed to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.*

## CHAPTER XXIII.

A Joint Resolution relating to an United States' armory on the western waters.

[APPROVED JANUARY 15, 1844.]

*SECTION 1. Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives requested to vote for and use all honorable means to have the contemplated United States' armory for the western states, located within our state; and after examining the report of the commissioners of the United States, heretofore appointed to examine and report upon the subject; to make such representations to Congress and to the war department, or to the President of the United States, as may be deemed proper and necessary to effect the object in view. Indiana certainly presents a central and secure position, unsurpassed water power, cheap and abundant materials, and a facility of intercourse east, west, north, and south, not attainable elsewhere without expending more time and money, and notwithstanding her many advantageous enticements, the sun-shine of government favor has yet to smile upon her borders.*

*SEC. 2. It shall be the duty of the Governor to forward a copy of this joint resolution to each of our Senators and Representatives in Congress so soon as the same shall be approved by him.*

## CHAPTER XXIV.

A Joint Resolution in relation to a light house at City West.

[APPROVED JANUARY 5, 1844.]

*Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives be requested to urge upon the present Congress the necessity of an appropriation for the purpose of building a light house at the harbor at City West, in Porter county.*



## CHAPTER XXV.

A Joint Resolution providing for the compensation of the revisors.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That the three judges of the supreme court, or in case they neglect or refuse to act, then the duties herein specified shall be performed by Oliver H. Smith, James Morrison, and Michael G. Bright, are hereby constituted a commission to ascertain and determine the amount that would be a fair compensation for Samuel Bigger and George H. Dunn, each, for their services in and about the revision of the laws of this state, and having determined the amount, they are requested to report the same to the Auditor of State, who shall issue warrants upon the Treasurer therefor.

SEC. 2. This joint resolution shall be in force from and after its passage.

## CHAPTER XXVI.

A Joint Resolution relative to the State Bank of Indiana.

[APPROVED JANUARY 13, 1844.]

*Be it resolved by the General Assembly of the State of Indiana,* That the directors on the part of the State of the State Bank aforesaid, be requested to use their best exertions in procuring a reduction of the salaries of the President of the State Bank of Indiana, and the president and cashiers of the respective branches of said State Bank; and that said board of directors be further requested to exercise their power and influence to prohibit the collecting officers or legal advisers of the several branch banks from acting as directors thereof; also, to have the number of subordinate officers reduced when it be practicable.

*Be it further resolved,* That it shall be the duty of the Secretary of State to furnish each of the directors as above, with a copy of this joint resolution.

OFFICE OF SECRETARY OF STATE, }  
INDIANAPOLIS, FEB. 28TH, 1844. }

INDIANA, TO-WIT:

I do certify that I have compared the foregoing printed acts and joint resolutions with the original rolls on file in my office, and found them correct, with the exception of the words included [thus,] inserted to aid the sense.

WILLIAM SHEETS.  
Secretary of State.



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